

# THE BRAILLE MONITOR

INKPRINT EDITION

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



The National Federation of the Blind is not an organization speaking for the blind--it is the blind speaking for themselves

Monitor Headquarters  
2652 Shasta Road, Berkeley, California 94708

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## THE BRAILLE MONITOR

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## NATIONAL FEDERATION OF THE BLIND

Office of the President  
2652 Shasta Road  
Berkeley, California 94708

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NFB-11; 67-11-A

### LEGISLATIVE BULLETIN

#### House Committee Rejects Disability for the Blind Bill Need Redoubled Supporting Effort

On August 2, the House Committee on Ways and Means "reported out" a Social Security bill. The bill did not include provisions of H. R. 3064, our King-Federation disability insurance for the blind bill!

This means we will have to look to the United States Senate to again adopt our disability bill, as it has already done twice before, and we will have to work toward acceptance of it by the House-Senate Conference on Social Security matters.

WE MUST HAVE AN AVALANCHE OF LETTERS TO THE SENATE in support of S. 1681, introduced in the Senate by Senator Vance Hartke, Indiana, and identical to H. R. 3064.

YOUR LETTERS SHOULD BE SENT TO the Honorable Russell B. Long, Chairman, Committee on Finance, Senate Office Building, Washington, D. C. 20510. S. 1681 would make it possible for a blind person who has worked at least six quarters in Social Security-covered employment to draw disability insurance payments and to do so irrespective of his earnings. The usual definition of blindness is included in the bill.

In addition to writing to Senator Long, write to your own Senators in support of S. 1681. If your Senator is already a co-sponsor ask him to send a letter to Chairman Long urging Finance Committee approval of S. 1681.

If he is not a co-sponsor, ask him to make known his support to Senator Long.

Even though our disability insurance provisions were not included in this year's social security bill by the House Ways and Means Committee, we should not relax our efforts to secure House action. Please continue to try to get Congressmen to introduce bills identical to H. R. 3064. If we can secure the introduction of enough such bills, Congressman King

might then reasonably ask for further Ways and Means consideration; and, in any event, the presence of such bills will help us when our measure gets to a Senate-House Conference Committee, if it reaches that stage.

Letters to Senators should be addressed:

Honorable \_\_\_\_\_  
Senate Office Building  
Washington, D. C., 20510

Letters to Congressmen should be addressed:

Honorable \_\_\_\_\_  
House Office Building  
Washington, D. C., 20515

Attached is a list of co-sponsoring Senators and of Congressmen who have introduced identical bills.

## SENATE ROLL OF HONOR

Vance Hartke, Ind. (Introducer of bill)

### Co-sponsors

George McGovern, S.D.  
Eugene McCarthy, Minn.  
Winston Prouty, Vt.  
Ralph Yarborough, Tex.  
Jennings Randolph, W. Va.  
Hiram Fong, Hawaii  
Thruston Morton, Ky.  
Milton Young, N.D.  
Abraham Ribicoff, Conn.  
Harrison Williams, N.J.  
Henry Jackson, Wash.  
Lee Metcalf, Mont.  
John Sherman Cooper, Ky.  
John L. McClellan, Ark.  
Mark Hatfield, Oreg.  
Joseph Montoya, N. Mex.  
Joseph Tydings, Md.  
Ernest Hollings, S.C.  
Thomas Dodd, Conn.  
Edward Long, Mo.  
Everett Dirksen, Ill.  
Gaylord Nelson, Wis.  
Joseph Clark, Pa.  
Frank Church, Idaho  
Hugh Scott, Pa.  
Thomas McIntyre, N.H.  
Peter Dominick, Colo.  
Strom Thurmond, S.C.

Philip Hart, Mich.  
Lister Hill, Ala.  
Frank Carlson, Kans.  
Ernest Gruening, Alaska  
Walter Mondale, Minn.  
Wayne Morse, Oreg.  
Paul Fannin, Ariz.  
Jack Miller, Iowa  
James Eastland, Miss.  
Caleb Boggs, Del.  
Thomas Kuchel, Calif.  
Claiborne Pell, R.I.  
Warren Magnuson, Wash.  
Frank Moss, Utah  
Carl Curtis, Neb.  
Daniel Inouye, Hawaii  
Howard Cannon, Nev.  
Alan Bible, Nev.  
Gale McGee, Wyo.  
Daniel Brewster, Md.  
Jacob Javits, N.Y.  
Karl Mundt, S. Dak.  
Quentin Burdick, N. Dak.  
J. William Fulbright, Ark.  
Robert Kennedy, N.Y.  
Mrs. Margaret Chase Smith, Me.  
Norris Cotton, N.H.

## HOUSE ROLL OF HONOR

### Identical Bills Introduced By

Edward P. Boland, Mass	H. R. 5589
Ancher Nelsen, Min.	H. R. 5982
Jerome R. Waldie, Calif.	H. R. 6303
E.S. Johnny Walker, N. Mex.	H. R. 6624
George P. Miller, Calif.	H. R. 6943

W. R. Hull, Jr., Mo.	H. R. 7231
Frank A. Stubblefield, Ky.	H. R. 7257
Torbert H. Macdonald, Mass.	H. R. 7292
James J. Howard, N. J.	H. R. 7841
Augustus F. Hawkins, Calif.	H. R. 7992
Harry Helstoski, N. J.	H. R. 7998
Armistead I. Selden, Jr., Ala.	H. R. 8075
George H. Fallon, Md.	H. R. 8120
Mrs. Margaret M. Heckler, Mass.	H. R. 8123
Daniel J. Flood, Pa.	H. R. 8328
John J. McFall, Calif.	H. R. 8335
Richard L. Ottinger, N. Y.	H. R. 8345
Charles M. Teague, Calif.	H. R. 8437
Mrs. Edna F. Kelly, N. Y.	H. R. 8445
John H. Dent, Pa.	H. R. 8514
Tim Lee Carter, Ky.	H. R. 8676
John Buchanan, Ala.	H. R. 8918
Tom Bavill, Ala.	H. R. 9099
Robert Leggett, Calif.	H. R. 9191
Bill Nichols, Ala.	H. R. 9202
James C. Corman, Calif.	H. R. 9540
Walter Baring, Nev.	H. R. 9659
George W. Andrews, Ala.	H. R. 9818

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## SUMMARY OF WAYS AND MEANS COMMITTEE REPORT ON SOCIAL SECURITY

On February 20, 1967, the Johnson Administration submitted to the Congress its recommendations for changes in the Social Security Act for 1967 embodied in H. R. 5710. The House Ways and Means Committee, after five months of hearings and deliberations, reported out its version of H. R. 5710 on August 2, 1967. Briefly, the report would effect the following significant changes:

### I. OASDHI

1. Provide a general benefit increase of 12 1/2% with a minimum benefit of \$50 a month (from the present \$44). The President recommended a 15% increase with a minimum benefit set at \$70 a month.
2. Limits the amount of a wife's secondary benefit to \$105 a month. The President recommended \$90.
3. The special benefit paid to certain uninsured individuals aged 72 and over would be increased from \$35 to \$40 a month for a single person and from \$52.50 to \$60 a month for a couple. The President recommended \$50 for a single person and \$75 for a couple.
4. Monthly benefits would be payable to disabled widows and widowers between the ages of 50 and 62. The President recommended payment of benefits to a widow who is disabled, regardless of her age.
5. Increases from \$1500 to \$1680 the amount a beneficiary can earn in a year without deduction in his benefits, and increases from \$125 to \$140 the amount a beneficiary can earn in any one month and still get his full benefit for that month, regardless of his annual earnings. These are the increases recommended by the President.
6. Creates a Special Advisory Commission to make recommendations concerning health insurance for disability beneficiaries. This is in lieu of the President's recommendation that Medicare protection be extended to disability beneficiaries under age 65.
7. Reflecting the Committee's concern about the rising cost of the disability insurance program, a more rigid definition of disability would be provided. Under the new definition, a person would be disabled only if he is unable to engage in any kind of work which exists in the national economy, even though such work does not

exist in the general area in which he lives. The President made no such recommendation.

8. Provides that upon request, the Social Security Administration would furnish a court with the most recent address, if the court wishes the information, in connection with a support-of-maintenance order for a child. The President made no such recommendation.

## II. TITLE IV--AID TO FAMILIES WITH DEPENDENT CHILDREN

1. Each state would be required to develop a program for each family on the AFDC rolls designed to get the adult members, and older children not attending school, into employment. This, the President recommended. However, among the specific things which the President did not recommend, but the Committee does, would be to require the states to do the following: (1) Establish programs designed to reduce the incidence of illegitimate children, (2) assure that each adult in the family is furnished employment counseling, testing and training, (3) offer family planning services in all appropriate cases, (4) bring to the attention of the appropriate courts or law enforcement agency, situations where children are being neglected or abused with a view to removing the child from the family or correcting the situation, (5) make protective or vendor payments where it is determined that the adult relative cannot manage funds effectively for the benefit of the dependent children (a presidential recommendation), and (6) establish programs under a single unit of organization for determining paternity of children and using all laws applicable to obtain support for children from their deserting fathers. These provisions would be effective October 1, 1967, and would be mandatory on the states beginning July 1, 1969.
2. States would be required to make available day care services when needed for the children of those mothers who are determined to be able to work or take training; states would also be required to furnish other child welfare services which would contribute toward getting the family off the assistance rolls. The Federal Government would match these services on an 85 percent basis prior to July 1, 1969, and at 75 percent thereafter. The President made no such recommendation.
3. States would be required to establish community work and training programs in every area of the state where a significant number of AFDC families live. Every adult member and child over sixteen not attending school for whom it was determined that work or training is appropriate, would be required to participate or face

the loss of assistance. All states would be required to have such programs by July 1, 1969. There would be federal matching of 75% (85% prior to July 1, 1969) for training, supervision and materials. The President made no such recommendation.

4. Each state would be required to have an earnings exemption under its AFDC program whereby the first \$30 a month of earned family income plus 1/3 of earnings above that amount is exempt. The President recommended \$50 a month exempt earnings for parents and children over 18, with a \$150 maximum for families.

### III. OTHER PUBLIC ASSISTANCE AMENDMENTS

1. States would get 50% matching payments to meet the cost (not to exceed \$500) of repairing the home of an assistance recipient if the home could not be occupied, and the cost of rental quarters would exceed the cost of repairs. The change would be effective October 14, 1967. The President made no such recommendation.
2. The amount of federal funds to support public assistance demonstration projects would be increased from \$2 million a year to \$4 million a year. The President recommended \$10 million for the next fiscal year and \$25 million a year for each fiscal year thereafter.

### IV. TITLE XIX--MEDICAID

1. States would be limited in setting income levels for eligibility to Medicaid for which federal matching funds would be available. The income level for Medicaid could not be higher than 133 1/3% of the income level for eligibility for the AFDC program. The President recommended that medical assistance payments would not be available for individuals and families whose income exceeded by more than 50% the highest income standards used by the state in determining eligibility under the cash assistance program.
2. The states would be allowed to have either any 7 of the 14 named benefits under its Medicaid program, or the 5 types of benefits now required.

### V. PRESIDENTIAL RECOMMENDATIONS REJECTED BY THE WAYS AND MEANS COMMITTEE

1. Make existing earnings exemptions for the aged and disabled, which are permissible with states at the present time, mandatory on July 1, 1969.

2. Require, effective July 1, 1969, that states shall meet the full need of eligible individuals as determined under the state's standards (which shall be no lower than those in effect in January of 1967), also the provision that standards shall be reviewed annually and to the extent required by the Secretary, updated to take account of cost-of-living increases, applicable to all public assistance programs.
3. Require that by July 1, 1969, a state's standards with respect to income used in determining eligibility for cash assistance payments, shall be no less than 2/3 of those used by Medicaid assistance, applicable to all programs.

Finally, of course, and most regrettably, the Ways and Means Committee completely ignored the fact that some twenty-one Members of Congress have introduced identical bills designed to achieve the Federation's long-sponsored Congressional measure to obtain for blind persons a financial floor of security to offset the handicapping conditions of blindness in a sight-orientated economy and society. These bills would amend Title II of the Social Security Act to liberalize the Federal Disability Insurance Law for blind persons by including in the law the generally accepted definition of blindness and allowing a person who meets this definition in visual loss and who has worked for six quarters in social-security-work, to draw disability insurance cash benefits so long as he remains blind and irrespective of his earnings.

From the foregoing, it will be readily apparent that the Ways and Means Committee's version of proposed 1967 amendments to the Social Security Act leaves much to be desired. All who believe that the time for halting, even mincing steps, in advancing the basic social insurance structure has passed, can only hope that the Senate will insist upon drastic amendments which will assure a Social Security system better able to assist needy Americans to withstand the ill winds of poverty.

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DISABILITY REDEFINED - EXCERPTS FROM  
WAYS AND MEANS REPORT ON SOCIAL SECURITY

(d) The definition of disability

The present law defines disability (except for certain cases of blindness) as the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be

expected to last for a continuous period of not less than 12 months." Your committee has become concerned with the way this definition has been interpreted by the courts and the effects their interpretations have had and might have in the future on the administration of the disability program by the Social Security Administration. The allocation to the disability trust fund has increased from 0.50 percent of payroll in 1956 to 0.70 percent today, and will be increased to 0.95 percent by your committee's bill. In 1965 this committee recommended, and the Congress adopted, an increase in the social security taxes allocated to the disability insurance trust fund; a large part of which was needed to meet an actuarial deficiency of 0.13 percent in the system. Again this year, the Administration has come to the committee asking for an increase in the taxes allocated to that fund to meet an even larger actuarial deficiency, which has reduced the 0.03 percent surplus, estimated after the 1965 amendments, to a 0.15 percent deficiency. The committee's studies indicate that over the past few years the rising cost of the disability insurance program is related, along with other factors, to the way in which the definition of disability has been interpreted. Your committee therefore includes in its bill more precise guidelines that are to be used in determining the degree of disability which must exist in order to qualify for disability insurance benefits.

In arriving at its conclusion that the definition of disability has been eroded over a period of time, the committee observed that the last long-range projection prepared by the Social Security Administration showed a significant increase in the proportion of the population becoming disabled within the definition. Moreover, it appears that the increase was not due to changes in actuarial methods or to changes in the actuarial interpretation of past experience; rather it was the experience itself that changed. Over the last 4 years the number of disability allowances was larger than the number estimated. Because there is no evidence to indicate that the proportion of the disabled in the country is greater now than 4 years ago, the committee is forced to conclude that over a period of years a number of subtle changes may have occurred in the concept of the "disabled worker."

The Social Security Administration informed your committee that in large part the reasons why a larger number of people than anticipated have become entitled to disability benefits are:

- (1) Greater knowledge of the protection available under the program to increased numbers of qualified people applying for benefits;
- (2) Improved methods of developing evidence of disability; and
- (3) More effective ways of assessing the total impact of an individual's impairment on his ability to work.



Your committee has also learned that there is a growing body of court interpretations of the statute which, if followed in the administration of the disability provisions, could result in substantial further increases in costs in the future.

The idea that the concept of the disabled worker has changed over time is given substance by a reading of some of the court decisions on the subject. As one court pointed out, by quoting another court, "once the claimant has shown inability to perform his usual vocation, the burden falls upon the Secretary to show the [reasonable] availability of suitable positions." In another case the court observed that "disability includes physical or mental impairment which not only prevents one from obtaining a job, but from even being considered for it by reason of hiring practices and policies." In summing up its interpretation of the statute and the case law, one court said:

The standard which emerges from these decisions in our circuit and elsewhere is a practical one: whether there is a reasonably firm basis for thinking that this particular claimant can obtain a job within a reasonably circumscribed labor market.

When asked about the court decisions, the Social Security Administration summarized developments in the courts in some jurisdictions as --

(1) An increasing tendency to put the burden of proof on the Government to identify jobs for which the individual might have a reasonable opportunity to be hired, rather than ascertaining whether jobs exist in the economy which he can do. Claims are sometimes allowed by the courts where the reason a claimant has not been able to get a job is that employers having jobs he can do, prefer to avoid what they view as a risk in hiring a person having an impairment even though the impairment is not such as to render the person incapable of doing the job available.

(2) A narrowing of the geographic area in which the jobs the person can do must exist, by reversing the Department's denial in cases in which it has not been shown that jobs the claimant can do exist within a reasonable commuting distance of his home, rather than in the economy in general.

(3) The question of the kind of medical evidence necessary to establish the existence and severity of an impairment, and how conflicting medical opinions and evidence are to be resolved.

(4) While there have heretofore been no major differences by or among the courts on the issue of disability when the claimant

was performing work at a level which the Secretary under the regulations had determined to be substantial gainful activity, the issue was recently highlighted and publicized in the case of Leftwich v. Gardner, The Fourth Circuit Court of Appeals in this case held that the claimant was under a disability despite his demonstrated work performance considered by the Secretary to be substantial gainful activity.

Your committee instructs the Social Security Administration to report immediately to the Congress on future trends of judicial interpretation of this nature. As a remedy for the situation which has developed, your committee's bill would provide guidelines to reemphasize the predominant importance of medical factors in the disability determination.

The original provision was designed to provide disability insurance benefits to workers who are so severely disabled that they are unable to engage in any substantial gainful activity. In most cases the decision that an individual is disabled can be made solely on the basis that his impairment or impairments are of a level of severity (as determined by the Secretary) to be sufficient so that, in the absence of an actual demonstration of ability to engage in substantial gainful activity, it may be presumed that he is unable to so engage because of the impairment or impairments. The language proposed to be added to the statute specifies the requirements that must be met in order to establish inability to engage in any substantial gainful activity for insured workers (and certain adults disabled in childhood) whose impairments are not of the level of severity that such a presumption can be made regardless of the age, education, and previous experience of the particular individual. The language added by the bill would provide: that such an individual would be disabled only if it is shown that he has a severe medically determinable physical or medical impairment or impairments; that if, despite his impairment or impairments, an individual still can do his previous work, he is not under a disability; and that if, considering the severity of his impairment together with his age, education, and experience, he has the ability to engage in some other type of substantial gainful work that exists in the national economy even though he can no longer do his previous work, he also is not under a disability regardless of whether or not such work exists in the general area in which he lives or whether he would be hired to do such work. It is not intended, however, that a type of job which exists only in very limited numbers or in relatively few geographic locations would be considered as existing in the national economy. While such factors as whether the work he could do exists in his local area, or whether there are job openings, or whether he would or would not actually be hired may be pertinent in relation to other forms of protection, they may not be used as a basis for finding an individual to be disabled under this definition. It is, and has been, the intent of the statute to provide a definition of disability which can be applied with uniformity and consistency throughout the Nation, without regard to

where a particular individual may reside, to local hiring practices or employer preferences, or to the state of the local or national economy.

The impairment which is the basis for the disability must result from anatomical, physiological, or psychological abnormalities which can be shown to exist through the use of medically acceptable clinical and laboratory diagnostic techniques. Statements of the applicant or conclusions by others with respect to the nature or extent of impairment or disability do not establish the existence of disability for purposes of social security benefits based on disability unless they are supported by clinical or laboratory findings or other medically acceptable evidence confirming such statements or conclusions. In most cases the decision that an individual is disabled can be made solely on the basis of an impairment, or impairments, which are of a level of severity determined (under administrative rules) to be sufficient so that, in the absence of an actual demonstration of ability to engage in substantial gainful activity, it may be presumed that the person is unable to so engage because of the impairment or impairments. The language which would be added by H. R. 12080 specifies the requirements which must be met in order to establish inability to engage in substantial gainful activity for those people with impairments to which the presumption mentioned above does not apply.

Your committee also believes it is necessary to reaffirm that an individual who does substantial gainful work despite an impairment or impairments that otherwise might be considered disabling is not disabled for purposes of establishing a period of disability or for social security benefits based on disability during any period in which such work is performed. The language in the committee's bill, therefore, specifically provides that where the work or earnings of an impaired individual demonstrate ability to engage in substantial gainful activity under criteria prescribed by the Secretary, the individual is not disabled within the meaning of title II of the Social Security Act.

Finally, the bill would provide that the individual must submit such medical and other evidence that he meets the preceding requirements as the Secretary may require; if he fails to do so, he may be found not to be under a disability.

The bill would also provide reduced benefits (as discussed in the statement on benefits for disabled widows and widowers) for certain disabled widows (including surviving divorced wives) and disabled dependent widowers under an initial test of disability that is different from that for disabled workers and childhood disability beneficiaries. Under this test, the Secretary of Health, Education, and Welfare would by regulation establish the severity of impairment which may be deemed to preclude an individual from engaging in any "gainful activity". (As opposed to "substantial gainful activity"). An individual whose impairments meet the



level of severity established by the regulations of the Secretary would generally be found to be disabled, although, of course, if other evidence establishes ability to engage in substantial gainful activity despite such impairments, he would not be found disabled; and individuals whose impairments do not meet this level of severity may not in any case be found disabled. Once an individual meets the initial test and is found disabled, he would be considered disabled as long as his impairment precluded his engaging in substantial gainful activity. . . .

#### SECTION 156. DEFINITION OF DISABILITY

Section 156 of the bill amends section 223 of the Social Security Act to clarify and amplify the definition of "disability" for purposes of the social security program (and to provide a special definition for purposes of widow's and widower's insurance benefits which are based on disability). Under the amendments made by sections 156 (a) and (b), the definition is contained in a new section 223(d) of the act, with the existing definition in section 223(c) (2) being eliminated.

Paragraph (1) of the new section 223(d) states the basic definition of the term "disability" exactly as it is stated in existing law; i. e. (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) in the case of an individual aged 55 or over who is blind as defined in section 216(i) (1), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he was previously engaged with some regularity and over a substantial period of time.

Paragraph (2) (A) of the new section 223(d) provides that in applying the basic definition (except the special definition for the blind, and except for purposes of widow's or widower's insurance benefits on the basis of disability), an individual shall be determined to be under a disability only if his impairment or impairments are so severe that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the general area in which he lives, or whether a specific job vacancy exists, or whether he would be hired if he applied for work.

Paragraph (2) (B) of the new section 223(d) provides that (in applying the basic definition) a widow, surviving divorced wife, or widower shall not be determined to be under a disability for purposes of widow's or widower's insurance benefits unless his or her impairment or impairments are of a level of severity which under regulations prescribed by

the Secretary is deemed sufficient to preclude an individual from engaging in any gainful activity.

Paragraph (3) of the new section 223(d) defines a physical or mental impairment as one that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

Paragraph (4) of the new section 223(d) directs the Secretary by regulations to prescribe the criteria for determining when services or earnings demonstrate ability to engage in substantial gainful activity, and provides that an individual whose work or earnings meet these criteria will be found not to be disabled (except in the case of work performed during a "period of trial work").

Paragraph (5) of the new section 223(d) provides that an individual will not be considered to be under a disability unless he furnishes such medical and other evidence of the existence of disability as the Secretary may require.

Section 156(c) of the bill makes necessary conforming changes in various provisions of the act to reflect the elimination of the existing definition of disability and the substitution of the new definition.

Section 156(d) of the bill amends section 216(i) of the act to provide that paragraphs (2) (A), (3), (4), and (5) of the new section 223(d)-- relating to the requirements that must be met for an individual to be determined to be under a disability, the meaning of "impairment," the demonstration of ability to engage in substantial gainful activity, and the furnishing of evidence--are to apply also in determining whether an individual is under a disability for purposes of establishing a period of disability (the "disability freeze").

Section 156(e) of the bill provides that the amendments made by section 156 are to be effective with respect to applications for disability insurance benefits and for disability determinations for purposes of establishing a period of disability that are filed in or after the month of enactment, or before such month if the applicant has not died before such month and if either (1) notice of the final decision of the Secretary has not been given to the applicant before such month, or (2) such notice has been so given before such month but a civil action thereon is commenced (whether before, in, or after such month) under section 205(g) of the Social Security Act and the decision in such civil action has not become final before such month.

HELPING THE BLIND TO SEE --WITH THEIR EARS  
(An HEW Release, July 28, 1967)

Helping the blind to see -- with their ears -- is the object of a federal grant made to the Kansas Department of Social Welfare for developing a training course in effective listening.

The \$12,000 grant, which will result in development of a 17-week course, was made by the Vocational Rehabilitation Administration, U.S. Department of Health, Education, and Welfare.

"Obviously, a blind person's ears also must serve as his eyes if he is to work alongside others and to make his way in the world," said Vocational Rehabilitation Commissioner Mary E. Switzer. "But our knowledge of effective listening never has been distilled into an organized body of knowledge. This is a vital area, because hearing is the blind person's main contact with his environment."

Many industries have held listening courses for sighted persons during the past few years, said Miss Switzer, and they result in added comprehension and retention. For the blind, listening courses will be more comprehensive. Blind and visually impaired persons will be oriented in numerous environmental sounds and will learn to identify sounds and to make auditory interpretations. There also is the area of music appreciation, poetry, drama, and other cultural aspects important to persons who are without one of the primary senses.

The course to be developed at Kansas under the innovation grant will have sessions on "verbal listening," which includes understanding and following directions, comprehension of oral instruction, verbal retention, delayed recall, and voice identification. Another section of the course will enable blind persons to improve their memory of names, directions, and numbers.

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MONTANA CONVENTION

By Lelia M. Proctor

Members and friends of the Montana Association for the Blind gathered in Bozeman for the organization's 22nd annual convention beginning on the evening of July 14 and ending at noon on the 16. Our conventions are always held in conjunction with the Summer School for the Adult Blind, which is our big annual project. Again this year the five-

week session was conducted on the campus of Montana State University.

Our Yellowstone Chapter of Billings served as Convention Program Committee with Delos Kelley as Chairman. A special innovation this year was the drawing for door prizes at frequent intervals. A good deal of time was taken up on the convention floor by business and committee reports. Thorough coverage of the NFB Los Angeles convention was given by our four attending delegates: Tony Persha, Keith Denton, Charles Martin and Charles Vanderzee. The convention recommended that the President appoint an active Constitution and By-laws Committee which will study our present governing instrument and make recommendations for changes to next year's convention.

Highlight of the convention was the Saturday night banquet in the MSU student union which was attended by some 90 members and honored guests. Our guest speaker on this occasion was Emil A. Honka, Director of the Division of Blind Services, State Department of Public Welfare.

Resolutions adopted expressed appreciation to various persons for special services rendered to the Summer School and to Attorney D. Gordon Rognlien of Kalispell, our legal counsel, who drafted the lien repeal legislation that was enacted into law earlier this year.

The results of the election of officers, conducted by mail prior to the convention, were disclosed Sunday morning and newly elected officers were installed prior to adjournment. All incumbents were returned to office: President, Tony Persha, Red Lodge; First Vice-President, Keith E. Denton, Lakeside; District One Representative, Stanley Proctor, Kalispell; District Four Representative, Delos Kelley, Billings. Hold-over members of the Board of Directors are Second Vice-President, Irving Jacobs, Butte; District Two Representative, Charles Martin, Livingston; and District Three Representative, Luella McVeda, Lewistown. The Secretary-Treasurer, who is a paid employee and not a member of the Board, was re-appointed for another one-year term.

The Association's Northwest Chapter will host the 1968 convention.

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#### FOUR-PLAY TOUR BY DEAF PERFORMERS

By Louis Calta

(Reprinted from The New York Times, Friday, Aug. 4, 1967)

Four leading directors have signed contracts to stage four short plays for a national tour by a company of deaf actors. The tour will be the first commercial venture of its kind.

The directors are Tyrone Guthrie, Joe Layton, Gene Lasko and Yoshio Aoyama, the Japanese who was brought to this country to stage "Madame Butterfly" for the Metropolitan Opera. The tour will be made by the National Theater of the Deaf, an activity of the Eugene O'Neill Memorial Theater Foundation at Waterford, Conn.

The company, which will also have a school for deaf actors has been planned for more than a year. It received a \$331, 000 grant in February from the Vocational Rehabilitation Administration of the Department of Health, Education and Welfare. It is being supervised by David Hays, Broadway scenic designer.

The company will visit 21 campus theaters in the East and Middle West for the five weeks beginning Sept. 23. Rehearsals start Sept. 1, but members of the troupe will start an intensive three-week seminar Monday, when the troupe's school opens.

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#### COURTS CONDEMN RESIDENCE REQUIREMENT

By Bonifacio Yturvide

Of momentous significance to the blind throughout the country are two recent decisions by federal district courts which have condemned as unconstitutional state residence requirements in public assistance legislation. Although neither of the decisions involved a blind recipient of assistance, their importance to all disadvantaged persons, including the blind, is obvious from the legal reasoning employed by the courts. If upheld on review by the United States Supreme Court, this result will constitute a reform as far-reaching as it is overdue, and the National Federation of the Blind intends to do all it can to assure that the approval of the Supreme Court is won.

Both cases in question, one arising in Connecticut and the other in Delaware, were decided by a three-judge court in accordance with federal procedure applicable to such controversies, and both involved applicants for aid to families with dependent children who, although complying with all other eligibility requirements, were denied the aid because they had not resided in the state for the period of one year prescribed by the controlling state legislation. In holding that the state requirement was contrary to the Constitution of the United States, the courts used reasoning which was not altogether identical, the principal difference being that the court in the Connecticut case found a violation of both the right to inter-state travel and the equal protection clause of the Fourteenth Amendment, whereas the court in the Delaware case went no further than to find



the latter. For present purpose, however, the opinions may be taken together, and, when this is done, the following important points are included in one or both of them:

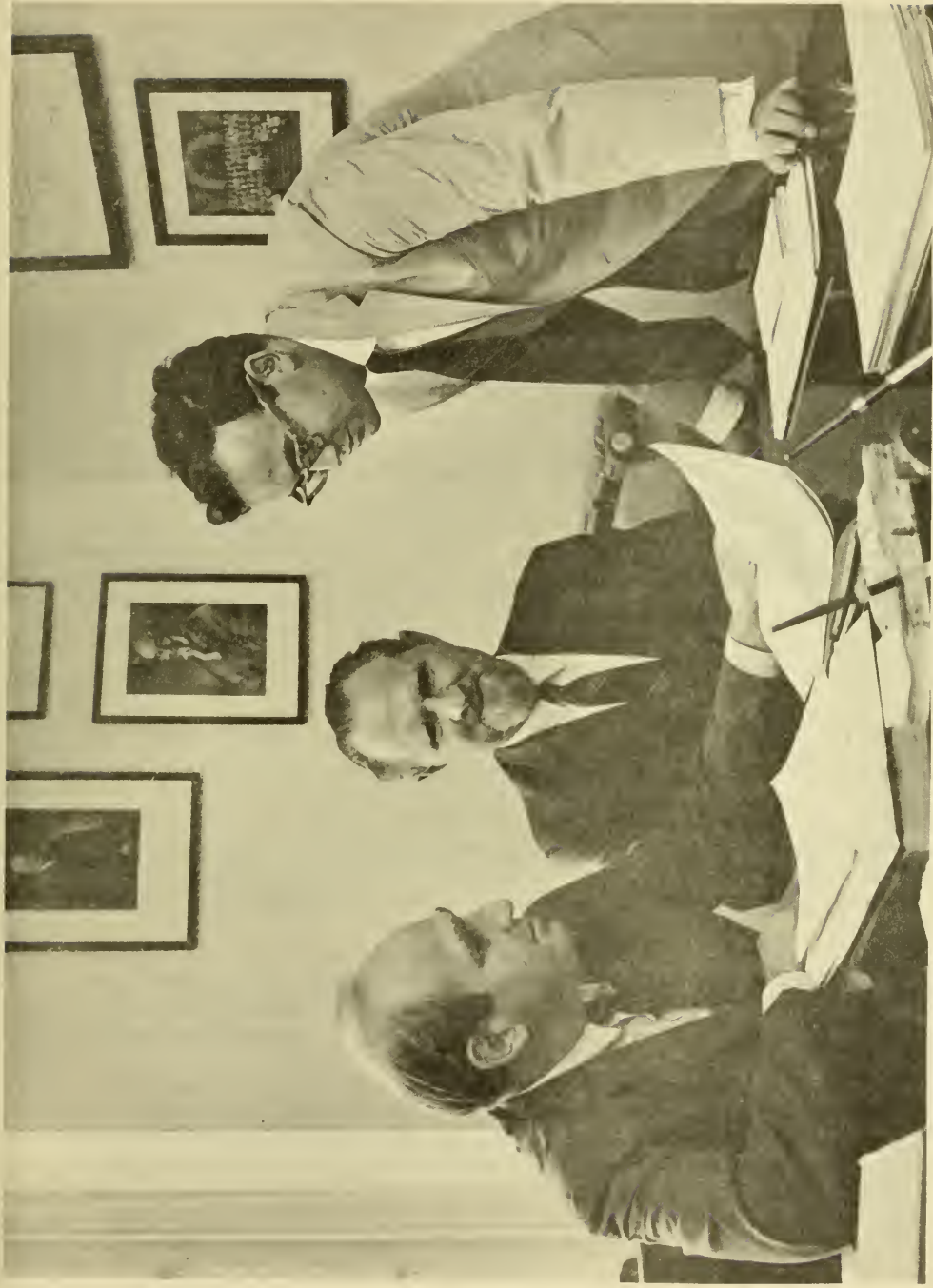
Whatever the precise source in the Constitution of the right to travel from one state to another, there is no longer a doubt that such a right exists and that it encompasses not only the right to pass through a state other than the one in which one lives, but also the right to establish residence there. Imposition by a state of a residence requirement of one year as a condition to reception of assistance impedes and discourages exercise of the right to interstate travel and is violative of that right.

Such a residence requirement is also contrary to the clause of the Constitution which prohibits states from denying any person the equal protection of the laws and thereby prevents classifying persons in a discriminatory manner which is arbitrary and has no reasonable relation to a valid legislative purpose or is designed to advance an improper purpose.

Viewed in the context of the overall purposes of public assistance legislation, such as help to those in need of food, clothing and shelter, the residence requirement has no reasonable relation to the purpose but, instead, frustrates it. Those who have not lived in a state for a year may be in as great a need as others and yet be denied the help available to the others.

Purposes commonly advanced in justification of residence requirements are not valid legislative purposes and are not, in any event, reasonably served by such requirements. For example, protection of the treasury against drain by those whose sole or principal aim in coming to a state is the reception of aid is not a valid legislative objective. There is, moreover, evidence that most persons in the class discriminated against do not move from state to state for that reason but for some purpose such as the pursuit of employment or to be near relatives. Besides, residence requirements are not framed so as to make their application depend upon the intention of a person in coming to a state, and, even if they were, there would be no reasonable relation to protection of the public treasury since it does not follow that a person living in a state less than a year will require more assistance than, or even as much as, other persons living there longer.

The reasoning indicated above would appear to apply with equal force to all types of recipients of assistance, including the blind, and there is no statement in either opinion to the contrary. Nor is there any indication that a different result would be reached as to a residence requirement of less than a year.



Left to right: Norman Dorsen, Director - Arthur Garfield Hayes Program at New York Law School; Dr. Jacobus tenBroek; Martin Garbus, Director - Roger Baldwin Foundation of the American Civil Liberties Union, in New York at the conference on the handling of welfare residence cases.





Thus a first and large judicial step has been taken toward the liberation of the blind and other disadvantaged persons from a concept which, as to many, has seriously frustrated the sound purposes of public assistance programs. The end may now be in sight of the unfair and absurd situation in which, although they wish to move to improve their employment opportunities or for some other reason legitimate and common for citizens in general, the unfortunate must either forego what is normal and continue to live in the very state where they have encountered misfortune or brave the risk of even greater privation for as much as a year. The issue is nothing less than the freedom to move versus imprisonment by poverty.

We can be sure that the holdings in the Connecticut and Delaware cases will be vigorously attacked in some quarters and that the matter will not be put to rest until the United States Supreme Court has been called upon to resolve it. Several cases concerning residence requirements in addition to the two decisions here discussed are now pending in the lower courts, and it is to be expected that a number of appeals on the subject will soon come before the Supreme Court. In the crucial time to come, as in the past, the Federation intends to be in the forefront of those seeking to bury the residence requirement once and for all. At the appropriate time, it will petition the Supreme Court for permission to file an amicus curiae brief and will then, and in the interim, make every effort to assure that this temporary triumph becomes a final victory.

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### MAGIC GLASSES

(Reprinted from The Spokesman, August, 1967)

A young woman lies motionless in bed, paralyzed from her shoulders to her toes. For years she's been almost completely dependent on others for her slightest needs.

But now, thanks to the "magic glasses" she's wearing, she can do such things as control lights, feed herself, adjust the air conditioner, turn on her TV, select a channel and so on. She can even operate an electric wheelchair.

The magic glasses (the girl signals to them by moving her eyeballs, thus regulating a series of electric switches) are a civilian's windfall from our multi-billion-dollar space program. To be ready commercially within a year, they're one more entry on a constantly growing list.

The magic glasses were developed by Hayes International of the City Investing Co. to help astronauts reach the moon.

Each lens frame of "Sight Switch", as the glasses are called, is rigged with a tiny flashlight and photo detector. The flashlight beam, so faint that it causes no irritation, aims at the girl's upper outside eyelid. Normal use of the eyes produces no result. But when the girl wants action, she looks outward and upward in a slightly exaggerated manner. The photo detector, up to now receiving reflected light from the skin of the eyelid area, suddenly gets a decreased reflection from the darker iris, which has moved into the target area. Changes in the reflection notifies the photo detector to flip an electric switch located on the earpiece of the Sight Switch. A wire runs from the left side of the glasses to a control board with, say, the following items attached in sequence: electric fan, room light, window raiser, etcetera. Four looks to the left would put the girl in touch with the fourth item. Once there, she takes one look to the right to control the on and off switch.

The Sight Switch was invented by Charles L. North.

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#### AID FOR THE HANDICAPPED

House Panel Works on Amendments to Provide  
More Services for the Disabled  
By Howard A. Rusk, M.D.

(Reprinted from The New York Times, Sunday, July 30, 1967)

Hearings by a House subcommittee were completed last week on amendments to the Vocational Rehabilitation Act. If enacted, it will mark another step forward in the consistent growth of our national program of services for the handicapped that has marked the last two decades.

Physical disability is far more widespread than most people realize. Even excluding persons in hospitals and institutions, the National Health Survey of the Public Health Service reports that 16 million Americans of working age are limited partly or totally in their major activities of working, homemaking or attending school. This does not include the more than five million mentally retarded.

John W. Gardner, Secretary of Health, Education and Welfare, estimates that nearly four million disabled persons need vocational rehabilitation services if they are to become employable, and about 400,000

more are added each year.

Last year the Federal-state program rehabilitated 154,000 disabled persons into useful work. Many of those rehabilitated entered professions, such as teaching, in which there is a national shortage.

The first change proposed is the creation of a National Center for Deaf-Blind Youth and Adults. These are the "Helen Keller children." Exact figures on the number of the nation's deaf-blind are not available, but experts estimate they are from 5,000 to 7,000.

There are very few institutions conducting programs for this group, and only one, the Industrial Home for the Blind in Brooklyn, has any sizable program.

The proposed National Center for Deaf-Blind Youth and Adults would:

Provide services, particularly specialized intensive services for the deaf-blind.

Provide training for professional and allied personnel working with them.

Conduct research with respect to their problems and rehabilitation.

Help expand and improve services for, and public understanding about the problems of the deaf-blind.

Secretary Gardner reports that the Department of Health, Education and Welfare is working on a similar proposal for deaf-blind children.

Of an estimated total of 400 deaf-blind children of school age, only half are currently receiving the kind of institutional care and training they need.

The number of deaf-blind children may increase sharply in the future as the result of the epidemic of rubella, of German measles, from 1963 to 1965. When rubella is contracted during pregnancy, the unborn child frequently is affected, and one of the after effects can be deaf-blindness.

The second proposal would earmark special Federal funds to be made available to the states for providing rehabilitation services to migratory agricultural workers and their families who become disabled.

Disability is particularly prevalent among these people as it is among all low-income groups. Many migratory workers have disabilities that have their origin in long neglected chronic illness. Many of the problems of migratory workers stem from their way of life, which is characterized by lack of permanent homes, the absence of roots in the community and the lack of sustained contact with health and rehabilitation agencies.

Despite the fact that they are a vital part of the economy of the communities in which they work, such communities consider them outsiders.

Under the new proposals, where needed, transportation and maintenance could also be provided to the disabled person's immediate family since most of the disabled individuals are far from home when they are disabled.

A third proposal would eliminate the use of residence requirements as a condition for providing services to the disabled.

We are a mobile population. Twenty-six per cent of our people are no longer living in the state in which they were born. The needs of our country's economy for personnel movements increases yearly. Residence requirements result in hardship and denial in services to many individuals.

The State of California dropped residence requirements four years ago. It reports that there has been no great influx of disabled persons for the specific purpose of seeking rehabilitation services. In fact, their savings in being able to deal with disabled persons without legal residence directly rather than following the long, tedious and expensive procedures in trying to have the state of original residence provide services, have more than offset the costs.

It is an anachronism that in 1967 a state border should prevent a disabled American from receiving services he needs and to which he is entitled under Federal law.

Other proposed changes in the law are of a technical nature.

Congress has consistently over the last two decades supported amendments to increase the scope and effectiveness in rehabilitation services for the handicapped and appropriations to support these services. It deserves a great deal of credit for the increased opportunities our nation has made available for those disabled citizens over the last two decades.

Helen Keller, long the advocate not only of the deaf-blind, but also of all the world's disabled, has had her active voice stilled through age and infirmity. She is 87 years old. As Peter J. Salmon said in his testimony before the Congressional committee, what a fitting tribute it would be to enact legislation for a national center for the deaf-blind this year while she is still with us.

How appropriate it would be if through Congressional mandate the proposed new center would be called simply the Helen Keller Center. No other descriptive words would be needed in any part of the world.

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BLIND PERSONS FILE SUIT AGAINST BOARD OF DIRECTORS OF  
THE ASSOCIATION OF THE BLIND  
(Reprinted from the Palmetto Auroran, Fall 1967)

Because of having been denied membership in the Association of the Blind for two consecutive years with no reasons being given and with sufficient evidence to believe that membership would be denied for a third consecutive year, a group of blind South Carolinians acting as individual blind persons, and citizens of the State, and on behalf of others similarly situated, filed suit in late June against the Board of Directors of the Association of the Blind of South Carolina, which has been responsible for the membership denial. The Richland County Court promptly issued an injunction restraining the Board of Directors of the Association from holding its scheduled convention on July 14 and from electing officers or Board Members until a permanent hearing could be held and a legal decision reached. After the history-making suit was filed, the following is one of several articles appearing in the local newspapers. From the Columbia Record, July 3, 1967: "JUDGE BLOCKS BLIND ASSN. ELECTION."

The members of the Board of Directors of the Association for the Blind have been restrained from holding elections July 14 by order of Richland County Judge John A. Mason. Judge Mason also ordered the members of the board to show cause at 9 A.M. July 12 why the order should not be made permanent and why plaintiffs and others similarly situated should not be admitted to voting membership in the association.

Plaintiffs in the action are Lois Bolton, Ruby Bryant, Herman Bryant, Donald C. Capps, Jack Hutchmacher, John W. Potter, Kathryn Cartledge, Marshall Tucker, John Rayborne, George Kirkland, Daisy McCarter, Francis Chestnut and all other similarly situated. The class



action is brought against the Board of Directors of the Association of the Blind in South Carolina, the association itself and constitutional officers of the state, Gov. Robert E. McNair, State Treasurer Grady L. Patterson, and State Comptroller Henry Mills.

The complaint states that all the plaintiffs are legally blind taxpayers of South Carolina. The state of South Carolina, by act of the General Assembly, conveyed to the Association of the Blind of S. C., certain lands subject to a provision for reverter to the state in certain events. The complaint contends South Carolina, through the General Assembly, appropriates substantial sums to the Association for the Blind to be used in its operation. The plaintiffs as taxpayers contribute to the funds appropriated by the state and used by the association, the complaint says.

Further, the Association for the Blind is controlled by the members of its Board of Directors who are elected by the membership of the association and the members of the Board of Directors, after election and assumption to office, pass on qualifications for membership in the association. Even though the plaintiffs are qualified for membership in the Association and are qualified to vote in the elections, they have been deprived of this right by the Board of Directors "arbitrarily and without just cause" with the result that the Board of Directors through "its arbitrary action" has permitted and continues to permit to membership only those which it arbitrarily chooses with the result that the board in effect is a self perpetuating body through control of membership. The plaintiffs claim that they have arbitrarily been denied membership in the association and their denial to membership denies them equal protection of the law as provided by the Bill of Rights and by the S. C. Constitution, and constitutes an abridgment of their constitutional rights by the state through the defendant Association of the Blind in S. C.

The complaint points out that the association is to hold its annual convention July 14 and officers and directors will be elected for the coming year.

The plaintiffs believe, it is pointed out, that they will not be permitted to participate in the elections and they allege that such failure constitutes a deprivation of their rights. This, they say, will cause them and the general public irreparable harm and disadvantage. The plaintiffs allege they are entitled to the restraining order and injunction until they are admitted to membership. The complaint asks the court to order the association to cease and desist from any arbitrary unreasonable action which would deprive the plaintiffs of their rights under the S. C. and U. S. constitutions. "

On July 13, 1967, the following was carried in the local newspaper, which is self-explanatory. From the State: "BLIND ASSN. HEARING POSTPONED.

A hearing by Richland County Judge John A. Mason on whether the S. C. Association of the Blind has been excluding qualified members has been postponed until August. Petitioners and the association agreed to a permanent hearing shortly before Judge Mason was to hold a hearing on Wednesday morning on the merits of a temporary injunction that restrains the association from electing officers this Friday.

Judge Mason ruled that the election will be delayed until the hearing. The date for the new hearing has not been set."

In previous editions of The Palmetto Auroran several articles have appeared with respect to blind people's concern over the overall operations of the Association, and unless qualified blind persons are permitted membership in the Association and allowed to vote, there is no way for the blind of the State to take concerted action in a democratic manner to improve the situation. There are other means which could be employed to improve the operation of the Association, such as through legislation, but it is generally felt that the blind themselves should control the destiny of their own organization. The following are some reasons why blind people throughout the state feel there should be changes in the management of the Association.

1. The official 1966 Financial report of the Association, confirming an operating loss of \$41,000.00 for the year is ample proof that something is drastically wrong in the management of the Association.
2. The Financial report indicates there have been extravagances as the Administrative travel averaged \$100.00 per week or \$20.00 per day and other expenses of more than \$5,000, which are not itemized were incurred.
3. The last two conventions have not been democratic or representative of the blind, as many reputable and prominent blind people were declined membership.
4. Mr. Croft and his board for the second straight year, are limiting the Convention to one day for the purpose of making it as difficult as possible for blind people to attend the Convention, especially those from out of town.
5. Prospective blind workers are losing jobs to other persons as Mr. Croft and the Board are now hiring other persons to operate the broom winders, including the deaf and mentally retarded.
6. Many blind people feel that Mr. Croft's general behavior is not in keeping with that of a minister or of an individual who

represents the blind throughout the state at various events as president of the Association of the Blind of South Carolina.

7. Employees of the Shop are dissatisfied demonstrating this by calling a strike a few months ago.
8. Until the 1965 Convention Mr. Croft had made statements that he was receiving nothing for his services to the Association, but it was later brought out that he had been receiving monthly payments of \$100.00 for some time, which had been withheld from the Convention and the membership.
9. The Association has no professional staff, which is felt to be largely responsible for its poor operation. The Association badly needs full time administrators, who can and will give full time attention to the Association.
10. The buildings are in bad need of repair and their bad appearance damages the image of the blind.
11. The membership is denied a copy of the Financial Report, although the Constitution does not prevent any member from being furnished such a report.
12. Employees are not paid a livable wage and there should be twice as many blind people employed as are now employed. The scope of operation is not as broad as it was many years ago in several areas.

At this writing, the litigation against the Board of Directors of the Association remains pending, but ultimately the court will process this legal action unless the involved attorneys are able to negotiate a settlement of the dispute, which is satisfactory to all concerned. Obviously those who have felt the need to file the suit feel that the court will permanently restrain the Board of Directors of the Association from arbitrarily declining membership to qualified blind persons, but the outcome must be waited upon.

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SHELTERED WORKSHOP REPORT OF THE SECRETARY OF LABOR  
AUGUST 1967

To the Congress of the United States:

In response to a directive by the Congress in Public Law 89-601, the Fair Labor Standards Amendments of 1966, the Department of Labor has completed a special study of wage payments to handicapped clients of sheltered workshops and of the feasibility of raising existing wage standards in such workshops. There is attached to this report a detailed technical report of the findings regarding wages in sheltered workshops.

The study clearly shows a need for more vigorous administration of the Federal wage policy for sheltered workshop clients who, despite their many handicaps, are struggling toward self-support and dignity.

There is little in the Fair Labor Standards Act or in the program for administering it which is designed to help the workshops to pay or clients to earn a minimum wage. Present statutory policy treats the handicapped who work in sheltered workshops as a special group and permits flexibility in wage payments, but until last year, no minimum wage had been established as "the minimum standard of living necessary for health, efficiency and general well-being."

I. Present Approaches

The 1966 amendments to the Fair Labor Standards Act are aimed at "improving the economic circumstances of handicapped workers, speeding their movement into fully productive private employment, and assuring that such workers are not exploited through low wages. 1/ Prior to this statement of intent, minimum wage policy had excluded the handicapped. However, concern for the welfare of handicapped individuals has been reflected in various government actions and other legislation.

It is now clearly the intent of the Congress that handicapped workers' wages be raised to at least the minimum wage as soon as feasible.

This is also the policy of the Department of Labor. As President Johnson stated last April in his Manpower Report:

For thousands of mentally and physically handicapped Americans, employment has too long been considered an exclusive concern of 'charity.' Yet, we know that

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1/ Senate Report No. 1487, August 23, 1966, p. 23.

many handicapped citizens can learn important skills, and can become effective workers.

In addition to expanding programs to place handicapped workers in jobs in regular employment through the Federal-State Employment Service system, the Federal government has supported many programs for handicapped clients in sheltered employment.

It remains a hard fact that in spite of recent Federal legislation which authorizes various welfare, training and grant programs and in spite of State programs for assistance to workshops, workshops and their clients are dependent on their productive capacity and the beneficence of private citizens.

This means that the ability of workshops to pay minimum wages is limited by the amount of their charitable collection and their ability to develop markets for their products or services.

Ironically, the long period of current prosperity and recent changes in technology have eroded a basic workshop market--the market for salvage materials. The experience of sheltered workshops with a shifting market is similar to the experience of private manufacturers who have seen markets disappear--except that workshops are not in a financial position to convert to other manufacturing. On the other hand, the current full employment situation requires that every human being contribute to the maximum. Never has the need for skill been as high.

Employers in nonsheltered activities affected by rising wage levels have usually been able to make market adjustments. For example, in the early days of the Fair Labor Standards Act the manufacturers of wooden containers complained that they could not pay the minimum wage and remain competitive with plants producing substitute products. In fact, wooden containers were becoming outdated because of the development of plastic and paperboard containers. Many of the wooden container companies perceived this and converted to production of other types of containers. In addition, many of the employees in the wooden container factories were able to transfer to other plants frequently at substantially higher wages.

By the very definition of their condition, without special effort, the clients of workshops are limited in their abilities to produce. Not only are their personal handicaps a factor, but they are limited by the frequently obsolete methods of organization and production of the workshop. To measure the "worth" of a handicapped client by his "productivity" and then to make him work with outmoded equipment, or on jobs long ago automated, or with modern equipment which is not adapted to the indivi-

dual's needs is to foredoom the great majority of handicapped clients to sub-minimum wages. The workshop system of remuneration is comparable to that which would exist today if cigar manufacturing workers were obliged to roll cigars by hand but to be remunerated on a comparative basis with the productivity of the cigar factory worker in a modern plant.

A free economy cannot and does not generally subsidize outmoded methods of doing business. However, when the effect of such methods is to limit the earning power of handicapped people who are trying to achieve dignity by becoming self-supporting--then it is not only appropriate but incumbent upon government to attempt to be more effective in meeting the problem.

The attached technical report on wage payments to clients of sheltered workshops confirms the conclusion that a new policy is necessary. The report shows that the legal requirement that clients of sheltered workshops be paid at least 50 percent of the minimum wage, has done little to raise the wages of handicapped clients. Average hourly earnings of all handicapped clients in workshops were \$.69 in 1965-66 and \$.72 in 1967. Approximately half of all clients were paid less than \$.70 and almost three-quarters of them less than \$1.00 an hour in each period.

TABLE I  
Hourly Earnings of Workshop Clients  
1965-66; 1967

<u>Hourly earnings</u>	<u>Percent of clients paid less than specified rate in:</u>	
	<u>1965-66</u>	<u>February 1967</u>
Under \$ .30	24	24
Under .70	53	51
Under 1.00	74	72
Under 1.20	84	82
Under 1.40	93	88
Under 1.60	96	95

The study also shows that workshops which paid wages of less than 50 percent of the minimum prior to the amendments either perceived that the new wage requirement did not apply to them or they were not financially able to comply with the requirement. Instead of increasing wages, they identified themselves as "work activities centers" as provided for in law, and thus have no applicable statutory minimum wage rate.

It is clear from the study that an increase in the statutory wage for handicapped clients would be more likely to increase the number of "work

activities centers" than to increase wages. The study also raises the question of the degree to which "work activities centers" may be in violation of the act. Based upon this study a vigorous program of enforcement will be carried out.

At present, the only avenue open to a handicapped client who is earning a substandard wage is public or private assistance. Such assistance is a necessary last resort for survival but is not economical and certainly not designed to improve human dignity or to develop a sense of worth. In most cases such welfare payments may be viewed as financial incentives "not to produce," particularly where workshop earnings reduce welfare payments.

## II. Toward New Federal Objectives

There is need for a new Federal policy which will insure that handicapped workers in sheltered workshops have every possible chance to become self-supporting in a competitive employment. In the meantime, workers in a sheltered environment who are trying to become self-supporting should be paid at least the minimum wage. In order to achieve this goal as soon as practicable for those workers who are now earning a significant proportion of the minimum wage there is need for some form of wage subsidy. A legal requirement that wages be paid is simply not adequate when it is applied to a nonprofit institution which may not be in a financial position to comply.

At the present time there are numerous programs designed to assist sheltered workshops and their clients.

## III. Financial Assistance to Workshops from Federal and Federal-State Programs

The major purposes and sources of funds available to workshops from Federal and Federal-State programs are outlined below. Many of these programs are new and the funds available are quite limited.

1. Construction - Federal matching funds may be obtained for new construction and renovation or alteration of existing facilities, and for certain items related to construction. Grants may be made for planning construction, architectural fees, purchase of land and buildings, erection of new buildings, remodeling, renovating or alteration of old facilities, standard industrial equipment (e.g. tools, machinery, trucks) and initial staffing. (Vocational Rehabilitation Act and the Hill-Burton Act. The latter is available only to workshops which are parts of rehabilitation facilities.)

2. Workshop Improvement - Federal matching grants may be obtained for up to three years to improve ongoing workshop programs. Money may be provided for staffing, equipment, consultation, starting or upgrading training and evaluation programs, and experimental purposes. Technical assistance services, without cost to the workshop, are also available.

3. Training and Evaluation - Handicapped trainees may receive weekly allowances of \$25 plus allowances for dependents, for up to two years. State vocational agencies, and to a limited extent the Veterans Administration, reimburse workshops for providing services for training and evaluation work.

4. Research and Demonstration - Federal matching grants are available for research and demonstration projects through the Vocational Rehabilitation Administration as well as under the Manpower Development and Training Act.

5. Other Programs - Basic training authority under the Manpower Development and Training Act has been scattered and has not been directed to the problems of sheltered workshops. As a result, only a few experimental and demonstration projects have been undertaken under this authority. In addition, there has been no authority to follow-up after an initial demonstration period. There have also been grants to workshops by the Office of Economic Opportunity and the National Institute of Health. None of these programs have been aimed specifically at the minimum wage as a goal.

#### IV. Program to Achieve the Minimum Wage Goal

In order to achieve the goal of a minimum wage for clients in sheltered workshops--a complete program tailored to the needs of the workshops and its clients must be developed. It must include:

- wage subsidies for eligible clients
- additional financial support for the workshop for training; including material, equipment, and supervision
- opening of new markets for products of workshops
- additional financial support to enable workshops to modernize facilities and methods consistent with the needs of the clients
- a technical assistance program to the workshops including management assistance and
- new out-placement services for workshop clients.

A comprehensive approach including all these elements stems from our review and from that of a special task force of the Sheltered Work-



shop Advisory Committee. At the request of the Department of Labor, the Chairman of the Advisory Committee to the Secretary of Labor selected from the full Committee a task force which was charged with reviewing the first draft of the technical report on wage payments and for developing suggestions to be forwarded to the Secretary of Labor for consideration in drafting his recommendations to the Congress.

The sense of the meeting was that the wage survey findings reflected accurately the wage situation in sheltered workshops. Before the meeting ended there was unanimous agreement that the recommendations to the Congress should include the following proposals for assistance to sheltered workshops and their clients:

1. There should be provision of subsidies to supplement the meager earnings of the sheltered workshop clients, and also to help pay for such overhead costs as training and supervision, and management counseling.
2. There should be broadened authority under the Manpower Development and Training Act to facilitate opportunities for the participation of sheltered workshops.
3. The Vocational Rehabilitation Act training programs should be expanded to provide larger amounts than are currently allocated to the States to help sheltered workshops.
4. Federal public assistance laws should provide that income from work performed in a sheltered workshop must not be counted against the amount given by the public welfare authorities.

To do all the things which must be done in this area will require a complete review of many aspects of Federal policy. This review will be undertaken immediately within the Executive Branch. A significant part of the review has already begun by direction of the President, in the Manpower Report, to the Secretaries of Labor and Health, Education and Welfare.

Some of the lines of review and some of the choices which lie ahead, can be set forth at this time for consideration by the Congress and the public.

A new policy must start from the realization that the sheltered workshop clientele represent the broadest possible spectrum of the handicapped. Some of the handicapped are being prepared for opportunities in competitive employment at wages substantially above the minimum in relatively short periods of time. Others can be prepared for such em-

ployment only with long and patient efforts. Still others will probably require sheltered employment for extensive periods. Lastly, there are those for whom employment in a workshop is a dignity-imparting necessity but whose involvement in it is only sporadic and often subsidiary to a basic need for friendly associations and rewarding activity--to be sheltered and fed.

We must at the outset face up to the fact that the achievement of a full minimum wage for handicapped clients of sheltered workshops will require outside financial support. This will mean a basic shift away from basing wages on what the handicapped worker can "produce."

The wage subsidy granted to handicapped clients should be fashioned so as to insure that the incentive to work and produce is increased. The pattern of wage payments should be established in a manner best designed to enhance the work incentives and human dignity of the sheltered workshop system.

Initially, at least, wage subsidies might be granted to those clients who have been productive enough to achieve the first earning plateau, 50 percent of the minimum wage. (This limitation would exclude handicapped clients "whose physical or mental impairment is so severe, " as stated in the statute, "as to make their productive capacity inconsequential.") Various daily or weekly systems of payment could be envisaged. Safeguards should be developed to insure that these subsidy wage payments do not remove eligibility for welfare payments, if such payments are still required to insure a minimum standard of living for the family of the handicapped worker.

As an alternative, consideration should be given to subsidizing each handicapped client who earned at least half the minimum wage, but not as much as the minimum wage. A subsidy could be given which would be equal to half the minimum wage even if this raised his earnings to a point above the minimum wage. For those workers who, through wage subsidies and regular wages, earned in excess of the minimum wage for a full year, the workshop might be required to take positive steps to place them in regular employment or to show evidence that such movement would be detrimental to the best interests of the client. In this connection, I make reference to a comment in my testimony of July 18, 1967 on the Economic Opportunity Act Amendments of 1967 (S 1545) in which I noted; "the almost primitive prevailing concepts and practices regarding the fitting of physically and mentally retarded men and women into the work force." I also stated that this was an area where "drastic surgery in established thinking and practice is called for."

Still another alternative which ought to be given consideration is the

granting of subsidies to handicapped clients who earned at least half the minimum wage, but not as much as the minimum wage, which would bring them automatically to the 75 percent level considered by the Congress in 1966. This could be combined with an additional program of wage subsidy grants which would enable the workers to reach the full minimum under programs specially tailored by the workshop, in agreement with the Secretary of Labor, to provide incentives for improved individual performance.

Severely handicapped clients who earn substantially less than 50 percent of the minimum wage pose an additional range of problems. In this group are included those whose work activity is often sporadic and subsidiary to other needs.

For this group, consideration should be given to granting subsidies to the centers equal to half of the minimum wage for each client employed. These subsidies would be used, in part, to double the clients' earned wages; the remainder would be used to improve the kinds and quality of therapeutic assistance granted. To obtain these wage and improvement subsidies, the centers would be designed to serve only "clients whose productive capacity is inconsequential."

This proposal to raise the wages of the "below-50 percent-of-the minimum-wage-group" would not bring them to the full minimum wage. Additional studies are needed to determine the kinds and amounts of wage subsidies which are appropriate for the handicapped workers in this group in order to reach minimum wage levels. While these studies are underway, the operations of "work activities centers" will be investigated to insure that they meet the legal requirements under the Fair Labor Standards Act.

#### V. Unfair Competition

In order to insure that subsidized sheltered workshops do not compete in a way which causes serious injury to workers in regular employment, there should be provision for redress if nonsubsidized plants are placed at a competitive disadvantage. The law now provides for the prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods produced illegally, or for the barring of such goods from interstate commerce. This could be applied to a sheltered workshop which has competed by using wage subsidies for other than minimum wage supplementary payments.

#### VI. Conclusion

The minimum wage program and the manpower program as presently



conceived, assume that handicapped persons can be trained to perform competitively. This is contrary to fact in many cases. While there are many handicapped workers who do perform competitively, and others who could be trained to do so, there are some who need help after they have reached their full potential.

The wage subsidy concept is aimed at satisfying the varying needs of handicapped people. For those who are quickly prepared for opportunities in regular employment, the subsidy will help move them more quickly. For those who can be prepared for regular employment after long and patient efforts, the wage subsidies will enable them to apply their full attention to reaching this goal while earning at least a minimum wage. For that group for whom work is dignity-imparting the wage subsidy may well supply an additional incentive to produce and a higher measure of dignity.

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The Honorable Clara F. Schloss  
Assistant Administrator  
Wage & Hour & Public Contracts Divisions  
Department of Labor - Washington, D. C.

Dear Mrs. Schloss:

The letter from the Department of Labor, dated August 4th, transmitting a copy of its draft report to the Congress on wages in sheltered workshops was received in our office on August 7th. In view of the request that the comments be in your hands on August 10th, our analysis of the report is not as complete as would otherwise be the case.

The report recognizes serious inadequacies in the present workshop system. In particular, it points out that nearly all wages of workers are below the Federal minimum wage for non-handicapped workers, and that the results of rehabilitation programs in sheltered workshops have been very deficient in placing handicapped workers in regular competitive employment. The report also points out that workshops are now eligible for substantial Federal and State grants under the Vocational Rehabilitation program and other related programs. It also clearly states that nearly all workshops are receiving substantial charitable contributions. We should like to point out that a number of workshops are operated by states and receive substantial subsidies from the states, in addition to the grants under Federal acts.

The report recommends extensive study of problems of inadequate wages and inadequate rehabilitation in sheltered workshops. We believe,

however, that the scope of this recommendation is too limited. There should be a full review of the function and accomplishments of sheltered workshops in our society.

Sheltered workshops attempt to perform three functions in our society -- to rehabilitate handicapped workers and place them in competitive employment; to provide therapeutic work and opportunity for participating in human relationships; and to provide long term employment.

The recent amendments to the Vocational Rehabilitation Act and related laws providing extensive grants to sheltered workshops are based primarily on a theory that such workshops provide an effective means of rehabilitating handicapped workers, resulting in competitive employment. The actual fact, however, is that sheltered workshops have not performed those functions. Some of the reasons for this are brought out in the report.

In many cases sheltered workshops are engaged in work which is exclusively, or nearly exclusively, the traditional province of such shops, and does not impart skills marketable in private industry. This includes the making of brooms, mops, rugs, potholders and related textiles, basketry, hand packaging, and many forms of hand assembly. In addition, the manufacture of many items which are competitive, such as brushes, pillow slips, mail bags and the like, is done with a higher degree of hand work, or with machinery that is antiquated, as compared with the standards of private industry. The market for many of the items in both of these classes is the United States Government, and state governments, without whose patronage many of these items would be unsaleable in a competitive market. A rehabilitation trainee, therefore, has little or no opportunity to learn marketable skills. Moreover, workshop management is engaged in meeting production quotas and does not train the worker in the skills which would be marketable, due to lack of qualification on the part of those in charge of training in sheltered workshops, and lack of machinery and facilities with which to perform the training.

The use of sheltered workshops for diagnosis and evaluation has not been demonstrated objectively to produce results. We believe that its effectiveness in this capacity is largely mythical. This is due to the obsolete nature of processes used in sheltered workshops, and the lack of qualification of management, and the lack of objective procedures for evaluation. To the extent that evaluation of a handicapped person's potential is a necessity, experience has shown conclusively that an orientation, or adjustment center, is in a much better position to make such an evaluation, and that the results achieved by such centers are far more satisfactory. However, we challenge the idea that a major problem with handicapped persons is the evaluation of their problems or potentials.

What handicapped people need is training in ordinary living and in vocational skills.

The function of rehabilitation is not for the rehabilitators to determine the abilities and limitations of the client, but rather, to impart to the client an understanding of his abilities and potential, based on what others with similar handicaps have achieved. Where orientation and adjustment centers utilize this approach, it has been repeatedly demonstrated that a handicapped person's accomplishments can vastly exceed his work performance upon beginning a rehabilitation program. Likewise, justification of sheltered workshops as imparting good work habits and orientation to competitive work conditions is specious and unsupported by any demonstration of accomplishment. Where such work-readiness is necessary, sheltered workshops are very poorly fitted to provide it for all of the reasons mentioned above. However, it is fairly clear that most handicapped persons do not need the kind of work-readiness training that sheltered workshop programs can provide. The work-readiness will develop in a handicapped person as he is participating in an active orientation and adjustment program, and not in job training. The effectiveness of the orientation programs of the Iowa Commission for the Blind in Des Moines, and the California Orientation Center for the Blind, in Albany, without use of sheltered workshops as a part of the rehabilitation process, is graphic demonstration of this point.

Another factor which impairs the effectiveness of workshops for rehabilitation is the fact that many of the workers have been working in them for many years and have largely abandoned hope of placement in competitive industry. This provides a demoralizing atmosphere for a trainee, rather than a supportive atmosphere based on contact with handicapped people who are successful, or progressing steadily toward a goal of competitive employment.

The second of the functions of sheltered workshops, that of providing work therapy and gratifying social and work experience, is a realistic goal which could be accomplished for those who, due to advanced age or a multiply handicapped condition, are unable to retain much hope for competitive employment. Unfortunately, most workshops fail in this regard, because of the unpleasant and demeaning attitude that management frequently displays toward the workers. This attitude is, in part, due to a confusion of functions by management. Trainees, those desiring work therapy, and those interested in long term gainful employment in the workshop, are mixed together, and the pressures of production on those who have a low ability to compete, and their comparison with more able workers, is demeaning and unpleasant. Even when there are separate facilities for this kind of work therapy the sale of manufactured articles often produces a significant portion of the income of the shop, and

results in stress for the worker, due to management's pressure for high production. Further, such workers generally lack any voice in the establishment of working conditions, and thus frequently have no method of correcting their grievances, and feel a lack of democratic participation which is now accorded to virtually all non-handicapped workers.

The largest group of workers in sheltered workshops are participating in the third function--that of providing long term, or permanent employment. All the same factors producing low morale, which apply to trainees and those in therapy programs, likewise apply to long term employees -- pervasive attitudes of defeatism, lack of a voice in determining their wages or working conditions, and the lack of a potential of earning wages sufficient to live at the American standard. The last is graphically illustrated by the figures in the report. The unrealistic products and techniques of the workshops, when compared with the competitive market, make it impossible to equal the minimum wage. The assumption underlying the report is that this is because there is a great mass of handicapped workers who are unable to produce enough to earn the minimum wage by competitive standards. This was apparently the view of the workshop advisory committee task force, who are credited with the principal recommendations of the report. It should be noted that the advisory committee is heavily weighted on the side of workshop management, and although it has some members of organized labor, it is absolutely devoid of handicapped workshop workers or organizations of handicapped people. The nonproductiveness of the handicapped workers has for years been the argument for low wages, an argument which, lamentably, has been accepted tacitly in the report. It is, however, demonstrable that in a great many cases the non-competitive nature of production, and the outdated techniques used are the larger factor in low production -- a factor recognized, but not adequately evaluated in the report. As an illustration, workshops of the California Industries for the Blind in California have handicapped employees who are making as much as \$3.00 to \$4.00 an hour on some piece-work jobs, and \$.70 an hour, or perhaps even less, on other jobs. There have been many instances in which workers have been transferred from one of the low hourly-paid jobs to one of the highly paid jobs, and their earnings have risen dramatically.

Another factor in low productivity is the lack of training and confidence of management. As in the case of the workers, many of those in management have been employed in workshops for years and are emotionally wedded to the outdated and noncompetitive traditional handicrafts and other products of the handicapped. In many cases they lack the training and initiative to change the workshops into production centers. There are a few workshops in this country, and a few in other countries, notably Sweden and some of the Eastern European countries, where sheltered workshops are successfully engaged in light manufacturing on

a competitive basis, with industry employing the nonhandicapped. Some of the most successful of these are managed by the handicapped themselves.

Logically, as recognized in the report, workers who can produce at or above the minimum wage ought not to have to obtain their employment in sheltered workshops. Continuance of handicapped workers in such shops who are not multiply handicapped, or of advanced age, represents a striking failure of the rehabilitation program thus far. The attitude that this is due to nonproductivity or emotional problems is an excuse and attempted justification for this failure, whereas the actual reason is the difficulty in persuading private industry and government to utilize the potential of such workers.

The high employment rate and high productivity of handicapped workers during World War II demonstrates conclusively that when employers can be persuaded to hire such workers, the workers are able to perform the job, if given the chance. The fact that many of the workers were released and not rehired after the war when labor was plentiful, indicates that the emotional problem, or need for education, is that of the employers, not the handicapped workers.

The hard fact is, however, that for the long-term employees of sheltered workshops there is no alternative to the income they receive as wages, until rehabilitation programs are able to solve the problem of placement of handicapped persons with normal abilities in competitive employment. Unless another form of income maintenance is substituted which provides equal dignity, workshops are a necessity for these workers.

As indicated above, the three functions of workshops as rehabilitation facilities, as work therapy centers, and as facilities for long-term employment are confused and in many cases inconsistent. Workshops ought to be discontinued as rehabilitation centers and the function of therapy centers and places of permanent employment should be physically and managerially separated, thus avoiding confusion and reduced effectiveness of both programs.

After surveying the three functions of workshops, we have the basis for consideration of their justification in our society. If, as we firmly believe, a detailed investigation would substantiate our analysis, sheltered workshops should be examined with a view to alternatives that would successfully achieve these goals. We strongly urge that the survey by Congress or the Executive Branch recommended by the report be extended to more than just the inadequacies of wages and rehabilitation functions in sheltered workshops. It should consider objectively



effectiveness of workshops in performing their proposed functions and weigh them against alternative methods of achievement. Such an investigation should not be carried on by, or dominated by, a group orientated to workshop management. Workshop workers and organizations of the handicapped should have an important voice in such an investigation.

The report sets forth the substantial subsidies to sheltered workshops that are now part of the Federal rehabilitation program and related programs and recommends additional subsidies to workers' wages to raise them to, or toward the statutory minimum and refers to the substantial charitable contributions that are now utilized by sheltered workshops. An objective review of the workshop program should consider whether such an expenditure could not produce a greater result directed toward other alternatives. What are the alternatives? This brief review permits only cursory mention of them:

- (1) More extensive use could be made of orientation and adjustment centers. These have demonstrated a much higher effectiveness in pre-vocational training than sheltered workshops.
- (2) The apprenticeship program should be utilized. Very few handicapped people are now admitted to the apprenticeship program. With governmental encouragement and financial incentive to employers, it should be possible to greatly increase opportunities for handicapped persons in apprenticeship programs. Those who successfully complete an apprenticeship program are virtually assured of a skilled, or semi-skilled job.
- (3) Official encouragement and incentive payments could be given to employers for on-the-job-training. It seems a possibility that with a financial incentive employers would feel that they could more adequately risk employing handicapped trainees. Most employers have the conviction that handicapped employees will be less productive and will increase safety hazards. Government incentives could be used to guarantee the employer against loss from decreased productivity and to purchase insurance covering any workman's compensation claims against the employers.
- (4) In West Germany, France, England and several other European countries employers are given a tax incentive to employ handicapped workers. These countries have much higher employment rates for such workers, and they feel that it is due in considerable part to these incentives. Careful and objective consideration should be given to this approach.

We have already alluded to the importance of all workers in sheltered workshops having a voice pertaining to wages and working condi-



tions. The National Labor Relations Board has ruled such workers are not covered by the guarantee of collective bargaining. We strongly urge that the report recommend that sheltered workshop workers be granted this right by act of Congress. This involves the conclusion that nearly all those employed in sheltered workshops are long-term workers and that their classification as rehabilitation clients or patients is either specious, or misguided.

The report indicates a strong suspicion that many workshops have incorrectly been classifying themselves as work activity centers to avoid paying even the 50 percent of the Federal minimum wage required by law. We strongly concur in the recommendation that full and active enforcement be made of the legal requirements for work activity centers. We also believe that the report should discuss the regulations which have been adopted to implement the minimum wage provisions for handicapped workers in the 1966 act. In this connection, I should like to direct your attention to our letter to your division dated February 24, 1967 (printed in the Braille Monitor, March, 1967), which recommends strengthening of these regulations in connection with work activity centers and other phases of the law. To date we have had only an acknowledgement of our letter, but no response to the specific recommendations it contains.

The main recommendation of the report is that subsidies be provided to workshops to allow them to pay the minimum wage to workers or to raise the wages in that direction for very low-paid workers. The underlying assumption is that workshops are not financially able to make such payments without a subsidy. The report has produced no evidence that this is the case and we strongly believe that it is not. The costs of management and overhead for sheltered workshops is extremely high in relation to the wages paid to handicapped workers. This is partly due to low management efficiency and partly to staff members unsuccessfully endeavoring to rehabilitate the handicapped employees as well as to the unproductive nature of many of the kinds of work in which the shops are engaged. If the productivity of the handicapped workers is to be measured against the non-handicapped workers in private industry, management should face the same test. It should be required to reduce its costs to those for management in private industry if it is to receive a subsidy to meet minimum wages or a subsidy of the other types that are already authorized under the Vocation Rehabilitation Act. Only where management costs meet those in private industry, and where the income of the sheltered shop from the sale of goods, contributions, and other sources, does not permit the payment of a minimum wage, should a subsidy be considered. Further, any subsidy, whether the new ones proposed by the report or the existing ones already permitted by law, should be conditioned upon the payment by 1969 of 75 percent of the minimum wage to all workers not in work activity centers or severely impaired and the

payment of the full minimum wage to such workers beginning in January, 1970. Such a subsidy should also be conditioned on substantial increases in the wages of severely impaired workers and those in work activity centers.

We seriously question the distribution of subsidies by sheltered workshops under any conditions for the reasons indicated above. Other alternatives should be considered, and in addition, the possibility of direct grants to the workers should be considered. If a worker's wage is being paid as a subsidy to the workshop, the workshop is, in effect, administering a public assistance program.

Despite these doubts as to subsidies as a long-term solution, it is necessary to face the fact that the workers are in the sheltered workshops, and they will stay there for a considerable period. For this reason, subsidies to bring them to the minimum wage are justified as part of a socially useful and humanitarian program for improving conditions for handicapped workers. The mere fact of receiving the Federal minimum wage will improve morale and encourage worker rehabilitation. This brief analysis does not permit discussion of the several forms of subsidy proposed, but we shall hope to have an opportunity to discuss this with your division after the issuance of the report.

One item deserves commendation in particular. It is entirely sensible that the wages of workers receiving a substantial Federal subsidy should not be considered income for the purpose of the public assistance program. It certainly would make no sense to merely give the workers increased income with one hand, and reduce it with the other.

### RECOMMENDATIONS

We recommend:

1. That the study of sheltered workshops in the report be expanded to become a full study by the Congress or the Executive Departments concerned of the role of sheltered workshops in our society and the alternatives available to achieve the same purpose;
2. That sheltered shop workers be given the right of collective bargaining by act of Congress;
3. That subsidies be given only to sheltered workshops where income is insufficient to pay wages, assuming that management costs are comensurate with that of private industry;
4. That a subsidy program is justified because of the great benefit to

handicapped workers and to insure this benefit the sheltered shop wages should not be considered as income for the purpose of public assistance.

We believe that the Secretary's report will be very much enhanced by attaching appropriate comments to it. We request that consideration be given to attaching this letter to the report as well as representative letters setting forth other viewpoints.

Very truly yours,

Russell Kletzing  
Secretary

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A SEQUEL TO "LEADING THE BLIND"  
By Arda Penix

[Editor's Note: Dr. Arda Penix, wife of Dr. Ray Penix, of Burbank, California, here writes of her impressions of the televising of "Leading the Blind" an NBC production depicting the employability of the blind. "Leading the Blind" is a full thirty minute television show prepared at the Los Angeles Convention of the NFB and has already been viewed by approximately three million people in southern California through the west coast outlet of the National Broadcasting Company--KNBC. NBC is transferring not only the original video tape to the NFB with full rights but also a sixteen millimeter film copy with sound track which can be made available to TV stations which do not have video equipment]

The making of a television show involves varied experiences for the participants.

I am confident that the majority of conventioners at the NFB Los Angeles '67 convention knew that on Thursday of that memorable week the Statler-Hilton was invaded by the NBC photographers and soundmen along with the noted producer-host of a weekly show, "Survey-'67." Many dramatic scenes were shot including registrants, individuals in the convention hall, Dr. tenBroek in an impressive interview, banquet scenes, sighted and blind children reading Twin Vision books and Iowa delegates in action traveling.

Visitors to the Statler-Hilton who were not attending the NFB convention were visibly impressed with the activities of the camera and soundmen and many questions were asked by them of the Federationists.

I was proud to accompany the NBC personnel as they set up their equipment and proceeded to interview and photograph the members around whom the production centered. We had been advised by Mr. Wright, the producer-host of "Survey '67" that it would be necessary to keep the human element paramount to the organizational activities, otherwise it would be impossible to hold the attention of the viewers.

That same day I accompanied the crew as they sometimes followed and sometimes preceded the Iowa delegates as they were photographed making their way around the busy streets of downtown Los Angeles. They commanded the admiration of many Angelinos as they skillfully crossed intersections, avoided obstacles and rounded corners. The "Sight and Sound" men from NBC found themselves speeding up their pace to keep from being left far behind.

Pedestrians were slowing and stopping to watch the agile white cane travelers and to stare curiously at the television crew. One lady inquired of me if they were stars. I replied, "You bet they are!"

An inebriated pedestrian was heard to say, rather bewilderedly as the group passed him, "My God, what's happening around here!"

These convention shots were to be coordinated with the individual photographs and films that had preceded, via United States mail, some of the national officers -- namely Kenneth Jernigan, Donald Capps, Russell Kletzing and Albert Gonzalez.

After the excitement of the convention was over, Bob Wright, the producer and Don Henderson the cameraman, came to our office in Burbank to film a blind doctor of chiropractic interviewing, examining and treating a patient. Upon completion of this portion of the tape I accompanied the NBC men to the home of Charles and Nancy Smalley for shots of Nancy, a young blind mother, feeding and reading to their eighteen months old son, Jeffrey.

I could see the possibility of Jeffrey stealing the show from all the adults who had participated up to this point.

Now the video tape was completed and a last personal interview was to be added at the NBC studios in Burbank. This is the same studio where Dean Martin, Pat Boone, Vic Damone, Bill Cosby and many other TV celebrities tape their national shows.

The NBC west coast studio is located in Burbank approximately five miles from the center of the city of Hollywood and only a few blocks from the vast Warner Brothers and Universal Picture lots and the famed Walt Disney studio.

Everyone should have the experience of helping build a TV program from the foundation to actually sitting under the brilliant spotlights in the television studio answering questions "off the cuff."

As Ray and I drove up we saw long lines of people eagerly waiting for the doors to open so they could enter and watch the performances of their favorite TV personalities.

We were ushered back through the "Artist Entrance", down long halls lined with parts of sets from many TV shows, past numerous offices and sound stages and finally into the "makeup" department.

After the makeup artist deemed us fit to be viewed by two or three million people we were taken to one of the numerous sound stages and given instructions as to the procedures of the telecast.

While sitting directly under the huge brilliant overhead lights, watching the monstrous cameras being carefully focused on us, acutely aware of the hustle and bustle going on around us by the eight or ten employees in attendance, I begin to wonder aloud if my vocal cords will become completely paralyzed by fear and when the cameras and sound equipment will start rolling I will not be able to utter a sound. Ray assured me that he could not imagine my ever being speechless. However, this assurance did not seem to slow my rapidly beating heart nor extract the cotton that I felt was forming in my mouth.

I surreptitiously looked toward the door to the outside and realized it was being locked at that very moment. I was trapped! Then came the countdown--4 seconds--3 seconds--two seconds--one second--R-O-L-L! Suddenly I was at ease.

Mr. Wright was asking us why a convention of the National Federation of the Blind was being held and Ray was answering in his customary thoughtful manner. After what seemed like a very short time the interview was over. So much to be said about the NFB and so little time in which to say it. But, we are indeed grateful to the National Broadcasting Company and its gracious employees for this opportunity to present to the public some facts on the employability of blind people.

The production "Leading the Blind" will be available to local TV stations. Write to Dr. tenBroek at NFB headquarters, 2652 Shasta Road, Berkeley, California 94708.



## DISABLED PROTEST 'RANCID TRANSIT'

(Reprinted from the Oakland Tribune, Mon., August 21, 1967)

A group of handicapped persons has accused the Bay Area Rapid Transit District of "gross discrimination" against the disabled in BART's train and station designs and Monday, August 21st, set up pickets at Berkeley subway sites.

Officials of both BART and the Easter Seal Society of Alameda County denied the demonstrators' claims that BART has failed to incorporate provisions for the blind, crippled and other handicapped persons.

But BART officials set up a meeting later that day with the group's representatives at BART offices at 1912 Bonita Ave.

Some 14 pickets earlier appeared at Shattuck Avenue and Allston Way after a sidewalk news conference called by the "Ad Hoc Committee for Freedom of Mobility of the Disabled."

Senior citizens joined the group of handicapped persons who walked the line on crutches and canes. One sign read, "Boy! A REAL Rancid Transit!"

Committee spokesmen Michael Yale, a 23-year-old blind law student at Golden Gate College, and Charles Collier, 32, said they had attempted to talk with BART officials but were "given the runaround."

Yale, in the news conference only yards away from the construction work, said that "all BART has to tell us is that everything we are asking for is under study."

The group said that considering the billion-dollar-plus facilities of the BART system, "certainly several hundred thousand dollars could be provided for the handicapped" who must rely almost wholly on public transit for travel.

BART superintendent of transportation Al Wolf said that "we're doing more than any other transit system to meet the special needs of the handicapped. It is not true that we have not consulted with representatives of the handicapped in our planning."

Harold Willson, Easter Seal Society liaison with BART, said that he and BART officials have been in contact since the 1962 bond election. He said that "BART" has assured us the system will incorporate practically all of the standards established for such systems by a presidential commission."



These standards include width of doorways, loading and car space and other provisions.

Wolf and Willson, however, noted that one category - wheelchair persons - would need further provisions.

They said an estimated \$3 million is needed toward completion of providing elevators in each station. Construction of shafts only are in station plans.

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The disabled demonstrators were particularly outraged by the explanation made by Napoleon Britt, BART official: "We must consider the cost of installing and the potential return on the investment . . . . Not enough people with those kinds of handicaps, paraplegic and otherwise, will be able to use the facilities to justify the investment in it. So we're not making any provisions for them, it's really that simple."

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#### WHAT'LL THEY THINK OF NEXT

(Reprinted from the Hoosier Star-Light July 1967)

[ Editor's Note: The equal treatment principles of the NFB were embodied in an armed services resolution adopted at the Louisville Convention in 1966. This editorial was provoked by that resolution and by its presentation to the Senate Armed Services Committee, a sub-committee of the Labor and Public Welfare Committee of the House of Representatives by the NFB's Washington Chief, John Nagle. The resolution urged that . . . the Government of the United States of America adopt all measures and policies necessary to the end that blind persons will be permitted to enter the Armed Forces of the United States. . . ]  
The argument was contained in the "Whereas" clauses:

WHEREAS thousands of young blind men and women throughout the United States yearn to serve in the defense of our country; and

WHEREAS it has been conclusively demonstrated that blind Americans can acquire a great variety of skills and perform a great variety of tasks, many of which are taught and utilized in the Armed Forces of the United States; and

WHEREAS it is proper and just that the blind, who want to participate in the rights and responsibilities of first class American citizenship be permitted to participate in the responsibility of serving in the Armed Forces of the United States;..." ]

It has never been customary for Hoosier Star-Light to create or participate in controversial matters, but a recent bit of action forces us out of our traditional shell of editorial silence, for we feel that we must speak out. We refer to the efforts in Congress, promoted by the National Federation of the Blind, which would make it possible for blind young men and women to serve in the various military arms of our nation.

Hoosier Star-Light's editor served a stint in the army and did, in fact, lose his eyesight as a result of military action during World War II. We feel that we know about military service and blindness and we feel, therefore, that we are competent to comment on the NFB proposal.

Frankly, we feel that the NFB proposal is absurd. Admittedly, the Federation is not seeking to have blind combatants involved in front-line duty. The group seeks only to have sightless military personnel accepted for rear echelon activity.

Nevertheless, we think that the NFB has failed to understand the nature of military service. Acceptance of blind persons might even work to the detriment of the NFB's efforts to have blind persons involved in every phase of life. Even rear echelon personnel go through basic military training and must observe the practice of many of the small disciplines of military service. These include close-order drill, knowledge and use of certain weapons and the saluting of commissioned officers among others.

Obviously, in many instances, concessions would have to be granted. Are we blind people really looking for concessions? Might not such concessions work against us?

The NFB claims that the exclusion of blind persons from military service is discriminatory. How about the amputees? The deaf-mutes? Even the guys with flat feet? Aren't they also being discriminated against when they are excluded from military service?

Blind persons face discrimination on a dozen counts. Many of these are directly related to the day-by-day existence of blind individuals. Acts of discrimination are worthy of every effort we can put forth to bring about their elimination. Efforts to eliminate them cannot stand to be diluted by ventures down sideroads. Their elimination is not well

served by wasted motion to end discriminations which, in the long run, are relatively unimportant.

It is not our desire to be overly harsh with the NFB in this matter. If there were no other discriminations against blind individuals, we'd pat the NFB on the back and say have a go at it. In all honesty, however, we must say for now that there are just too many other things which need all of our attention. Let's hit them first!

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## LEGISLATION IN CALIFORNIA -- A SESSION OF DISASTER

By Beverly Gladden

With a change in the governorship and state administration, the California Council of the Blind had hoped for a revitalization in rehabilitation programs for the blind which have become progressively worse since 1963 when all services for the blind were transferred to the then newly created Department of Rehabilitation. Before the legislative session began, representatives of the Council sought interviews with Governor Reagan, Lt. Governor Finch, and with Spencer Williams, the new director of the Health and Welfare Agency. When these interviews were held, we discussed our legislative program in detail. We also called for the dismissal of Warren Thompson, director of the rehab department and particularly of Andrew Marrin, deputy director. These officials, particularly Marrin, who have displayed unremitting hostility to the organized blind and their ideas for a quarter of a century, are to be held responsible for California's appalling 54th position in rehab.

As events proved, the Administration did not buy either our legislative program or our recommendation that Professor Richard Wilson be appointed Rehab Director. Thompson was removed and Marrin was demoted to his permanent civil service status Chief of General Rehab. Robert Howard was appointed director coming from a background as budget officer for Los Angeles county which hardly could be further removed from rehabilitation. Marrin appears to be his constant companion and advisor.

The first nine months of the Reagan Administration thus are characterized by the following: hostility to the organized blind by the Rehabilitation Department continues unabated; the department has utterly failed to introduce any improvements in the department or any salutary legislation for the blind; the department has maintained its blind opposition to constructive measures proposed by the Council; conditions in the

sheltered shops have gone from bad to worse; the Orientation Center for the Blind is being steadily sapped of its independence and vitality; training and placement of blind persons in competitive employment staggers along at a disgracefully low rate. This year, as last, only 128 blind persons were placed in competitive employment, though the department has tried to jack up this figure by taking credit for blind persons rehabilitated as home-makers and into sheltered employment. Any hopes that the Council might have had for cooperation with Rehab were destroyed. However, as we encountered department and administration opposition to our bills which should have been department sponsored.

Two bills which would have required the payment of a minimum wage to handicapped workers in CIB were defeated because of vigorous department opposition, as well as opposition from a state-wide association of sheltered workshops. When it became obvious that these bills were in trouble, workers from CIB picketed the State Capitol. Blind workers walked back and forth in front of the west steps of the Capitol while television cameras and newspaper reporters questioned and interviewed them about conditions at CIB.

Another bill, SB 1194 by Senator Sherman, designed to increase salaries of workers at CIB passed both houses of the Legislature and is now on the Governor's desk awaiting his signature. Department opposition to this bill was just as intensive.

AB 1227, by Assemblyman Meyers of San Francisco, defined CIB workers as state employees for the purpose of inclusion in the Meyers-Geddes Hospital and Medical Insurance plan. This is a program in which the state contributes a small amount monthly toward a plan of medical and hospital insurance for state employees. Most workers of CIB have no medical insurance. One would naturally assume that Rehab would lend its whole-hearted support to a bill which would provide blind employees under its jurisdiction with medical insurance. However, they did not. David Mendelson, Chief of the Division for the Blind in Rehab, appeared before the committee and raised technical questions about the bill which confused the committee and ultimately resulted in its defeat.

AB 285, by Assemblyman Burton of San Francisco, was introduced for the purpose of arresting the trend at CIB of hiring an increasing number of sighted workers. This bill, as amended, would have provided that not less than 75% of the employees at CIB should be blind. The Department appeared in opposition to this bill from the time of its first committee hearing. The bill passed the Assembly. However, the Senate Social Welfare Committee proposed that the bill go to interim study and further agreed that a resolution be introduced recommending a study of problems in CIB. But the resolution which resulted from this discussion does not mention CIB and the word "blind" does not even appear in its

text. It proposes coordinating and cataloging programs for handicapped persons.

The Department of Rehabilitation put forth its most vigorous opposition against the two bills which emerged from the interim study done by the Assembly Social Welfare Committee. One of these was AB 906 by Assemblyman Chappie of Cool, which would have established a board of policy-making and appeals within the Rehab Department. This bill passed the Assembly, but was defeated in the Senate.

The other bill issuing from the interim study was AB 383 also by Assemblyman Chappie. In its original form this bill would have transferred all services for the blind currently under Rehab, except the Business Enterprise Program and the rehab counselors, to the Dept. of Social Welfare. Unfortunately, there was some question about availability of Federal funds if these services should be so transferred. Furthermore, the Department of Social Welfare did not really want to assume these functions. Assemblyman Chappie then amended the bill to set up a Commission for the Blind which would assume all functions now under the auspices of the Division for the Blind in the Department of Rehabilitation. This would have included the Business Enterprise Program and Counselors for the Blind, as well as the other services listed above. There would have been no question about Federal money being forthcoming had this bill passed. The commission would also have included the Welfare Loan Fund and Prevention of Blindness program, now under the direction of the Dept. of Social Welfare. This bill passed the Assembly, but met defeat at the hands of the Governmental Efficiency Committee of the Senate.

Robert Melody, Administrator of the Business Enterprise Program attended a meeting of the blind concessionaires and spoke against the commission bill. He also visited operators personally and lobbied against the commission bill, insinuating that the Business Enterprise Program would be in serious danger and that their jobs might be in jeopardy should this legislation pass. Stand and cafeteria operators with a vested interest in maintaining the status quo appeared before the Legislature to oppose this bill.

Andrew Marrin, Rehab Chief, wrote a letter outlining the dangers of such a commission. The analysis was not accurate, but the letter was so worded as to pose a threat to staff members who received it. This letter went out to the staff of the department as well as to "other interested persons and organizations." These included National Rehabilitation Association, State Workshops Association, etc. The letter, written under a State of California letterhead, was obviously sent out at state expense and it urged all interested parties to lobby vigorously against the bill.



When the letter was offered to the legislature as evidence of the Department's attitude, many legislators were incensed, and in committee meetings openly denounced it as reprehensible. Assemblyman Mulford of Oakland, a Republican, and a strong supporter of the Administration, was so angry that he called Spencer Williams' office and expressed in no uncertain terms his resentment of such action by a state employee. Although the bill was killed by the Committee on Governmental Efficiency, Senators Lagomarsino and Schrade spoke out openly at the committee meeting in opposition to the Marrin letter.

Melody's campaign against the commission bill and Marrin's letter serve to reinforce the Council's conviction that a State Commission for the Blind is the only answer to the dilemma of the blind of California.

On the day that AB 383 went down to defeat, more than one hundred blind persons from all over California gathered for a rally on the west steps of the State Capitol. Many of our friends in the legislature from both political parties came to speak words of encouragement. The rally received excellent TV and newspaper coverage and reaffirmed our faith in the spirit of the organized blind of California.

Not so easily explained, and just as crushing as the defeat of AB 383, was the loss of AB 1606, our Model White Cane Law bill, authored by Assemblyman Bagley of San Raphael. This bill passed the Assembly unanimously, but again the Senate Committee on Governmental Efficiency chose to send it to its death edged along by vigorous opposition from the powerful insurance lobby.

Amid the defeats and administration hostility of the legislative session just past, a few gains were chalked up, slender to be sure but nevertheless worthwhile. One was a Senate Concurrent Resolution which will require the Department of Rehabilitation to make use of existing training facilities, including trade schools and apprenticeship programs, particularly with regard to blind persons. A second is SB 353 by Senator Short of Stockton which passed the legislature and has been signed by the Governor. It will remove the financial means test as an eligibility factor for rehabilitation services. A third is SB 235 by Senator Grunsky of Watsonville, which also has passed the legislature and been signed by the Governor, improving the reading provided blind college students by changing the maximum from dollar amounts to hours.

Two bills were passed and await the Governor's action: one authorized the State Library to establish facilities for reproducing books on tape from Library of Congress masters; the other gave stand and cafeteria operators the option of joining a state hospital and medical program at their own expense.



The Council shares with others responsibility for defeating a large number of regressive bills. Some of these would have restored residence requirements and responsibility of relatives and would have opened the welfare rolls to the public. One would have threatened the Business Enterprise Program by permitting employees to run their own cafeterias. Still another would have deprived trainees at CIB of workmen's compensation insurance.

Our most significant victory was the passage of SB 1194, by Senator Sherman of Berkeley, which, if signed into law, will provide cost of living increases in wages for workers at CIB whenever civil service employees receive such increases and in equal amounts. This will result in an immediate four and nine-tenths percent increase in workers' wages, if it does not receive the Governor's veto. This is the first time in many years that the legislature has seen fit to offer relief to workers at CIB. In 1963-1965 and again during this session a bill which would have required that shop workers be paid in accordance with the federal minimum wage went down to defeat. SB 1194 will compensate for this loss to a considerable degree.

At the Senate Finance Committee hearing on SB 1194, Senator Short challenged the representative of the Department of Finance who maintained that this bill would cost the State money. Senator Short forced him to admit that this was not actually taxpayers' money, but money produced by the sweat of the workers.

Both our aid bills were lost because of the cost factor. All bills which cost money were opposed by Governor Reagan's administration, regardless of their value to society. SB 513, by Senator Beilenson of Los Angeles, would have increased the basic aid grant by four dollars a month. The defeat of this bill is compensated for, to some extent, by the cost-of-living increase of four dollars which blind aid recipients will get starting in December. This was the result of legislation proposed by the Council in 1961.

AB 1262, by Assemblyman Barnes of San Diego, would have increased the maximum grant to two hundred dollars, and would have applied only to those having special needs. This bill passed the Assembly by the required two-thirds majority but was lost in the Senate.

A new area of legislation by the Council was shown by AB 862, by Assemblyman Monagan of Tracy. This bill, as originally conceived by the Council, would have required that a state facility for multiply handicapped blind children be included on the next State School Construction Bond Act. Working with the Council on this legislation were parents of children with multiple handicaps. At its first hearing, members of the Assembly Education Subcommittee were so impressed with the need for

such a facility, that they urged Assemblyman Monagan to amend the bill to provide funds for this purpose. Through the joint efforts of the Council, the Department of Education, and Assemblyman Monagan, a completely different bill was drafted. It would have offered counties the option of providing facilities, either day or residential for multiply handicapped blind children, and would have provided one hundred seventy-five thousand dollars of state money for assistance to counties in executing plans for such facilities. It was felt by the legislative analyst that this was not a sufficient amount of money to serve the purpose, and that counties would hesitate to bear so much of the additional expense required for educating these youngsters. By this time in the session, it was becoming more difficult to pass bills costing money due to the opposition of the administration and so the bill in its final form went down to defeat. This is almost certain to be a bond act next year, however, and the Council will plan to have this bill introduced in its original form in 1968.

A resolution was passed by the Rules Committee which will require an investigation into the refusal of some school districts to employ handicapped teachers. Some districts, notably Los Angeles and San Francisco, continue to apply the visual acuity restriction openly despite a law against it passed by the last Legislature.

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## WASHINGTON CONVENTION

By Tom Gronning

The thirty-second annual convention of the Washington State Association was hosted by the Pierce County affiliate in Tacoma, August 3, 4 and 5, with Pearl Langston as the chairman of the convention committee. Winthrop Hotel lent its setting to a successful convention with a perfect score of delegations from the ten affiliates in the state. The press and radio were generous with space and time.

In his keynote address President Richard Gustafson stressed the need for greater efforts to obtain Equality, Security and Opportunity for the blind in order that they may have a fuller life.

From the reports presented all affiliates are active and meet regularly. The legislative program had been successful with the exception of the White Cane Law which died in the committee for lack of

interest from the blind themselves. The summary of the laws presented in Congress, as prepared by John Nagle, was included in the NFB delegates' report and listened to with interest. It was noted that this condensation of legislation is preferred and understandable by the membership.

Thursday afternoon the delegates were entertained in the Social Center of the Pierce County affiliate. This was the time and the place for getting acquainted with registrants to the convention.

Friday afternoon was devoted to an open forum conducted by a panel representing the Department of Public Assistance, headed by Mr. Crowell Beals. It was brought out that aid to the aged and the blind had improved during the past decade and that an increase in aid would be forthcoming in the near future. The rehabilitation for the blind disclosed that additional field workers would be employed to teach mobility and home care.

The banquet was attended by 75 who listened to the address of the evening by H. G. Hunter, from the Division of Paroles and Pardons of Olympia. Dancing to live music was enjoyed for the rest of the evening.

The election of officers resulted: Tom Gronning, President, Seattle; Vice-President, Jack Flory, Spokane; Secretary, Nadyne Lessard, Vancouver; and Treasurer, Nellie Cough, Olympia.

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## LAWRENCE TITTLE SEES AGAIN

By Ed Daniel

(Reprinted from The Kansas City Star, Sunday, August 6, 1967)

Lawrence E. Tittle sat Indian-style on the hospital bed and recalled the morning's excitement.

He saw his three children Friday, August 4, for the first time since December 6, 1959, when acid blinded him in an industrial accident.

"The doctor took the bandage off, examined my eye and then told me to go ahead and look around," he said. "And then I saw them. All of them were so different. Oh golly! Linda was only seven when I was blinded. She's 14 now and so mature, such a little lady. She's as pretty as her mom."

He was in the University of Kansas Medical Center in Kansas City, Kansas, where a corneal transplant operation was performed Monday on his right eye. Tittle, with the bandage still on his eye, was released yesterday.

It will be several days, possibly weeks, before Tittle, 35 years old, who lives at 2708 Maybrook Street, Independence, knows whether the operation is permanently successful. But Tittle says his doctor rates the chances at 50-50.

"That's better than no chance at all," he said. "If it'll just stay like it is now, I'll be thankful for the rest of my life. I'll have vision."

Immediately after saying this, Tittle added that he's not building up his hopes too high because he knows it might not last. In 1960 he underwent a similar operation on both eyes in New York. For six days he could see when the doctors changed the bandages. Then he said his new vision began to cloud. It quickly faded until it left him only light perception again.

So perhaps this explains why Tittle asked his doctor to break a hospital rule. He asked permission for his wife, Lois, to bring the children, Leland, 9; Larry, 12; and Linda, to the hospital Friday when the bandage was changed.

If the transplant is a success, Tittle said he plans to have his left eye operated on. He explained the doctor chose the right eye first because it suffered less damage in the accident.

If it is not a success?

"Well, I've got a good chauffeur and leader in my wife," Tittle said, taking his wife's hand. "And I hope to be able to get a job soon, blind or not. Even if it's unsuccessful, I'd be glad I got to see for a little while."

Tittle graduated in June from the law school at the University of Missouri at Kansas City. He said he should learn September 2 if he passed the Missouri bar exam. If so, he has tentative plans to work in the office of the Independence law firm of Paxton, James & May.

## THE END OF THE MISSOURI COMPROMISE?

The Congress enacted the first and historic "Missouri Compromise" in 1820. In 1950 a second "Missouri Compromise" was in effect enacted by the Congress when it amended the Social Security Act by adding thereto Section 344 which required the Federal Social Security Administration to approve a plan of any State (Missouri and Pennsylvania) that did not have an approved plan under Title X (Aid to the Blind) on January 1, 1949, even though such plan did not meet the requirements of the Social Security Act by providing for the consideration of income and resources in determining need for Aid to the Blind. However, Federal financial participation was available only in the case of those needy blind individuals whose grants were based on consideration of income and resources. The provisions of Section 344 were made permanent by a 1962 amendment to the Social Security Act. The National Federation of the Blind was almost wholly responsible for Congressional approval of Section 344.

Before the passage of the Social Security Act in 1935, Missouri and Pennsylvania had their own aid to the blind programs. In 1939 clause (8) was added to Section 1002 (a) of Title X. This clause provided that all income and resources of a blind person must be taken into consideration before aid can be granted. The aid to the blind programs of Missouri and Pennsylvania were more liberal than this. Each State allowed a blind person to earn more money and to own more property than the Federal standards would allow. Also, each of these programs was administered with rehabilitation in mind, rather than as a public dole.

Both Missouri and Pennsylvania refused to give up their more adequate programs for the blind; therefore they were not considered eligible for Federal matching funds, until the Congress enacted Section 344 at the behest of the NFB. Taking advantage of this section, Missouri passed a second statute providing for an Aid to the Blind program for those blind persons who could meet the Federal standards, but it did not give up its more adequate Blind Pension program for those who could not, nor did it give up the idea that aid to the blind should be directed toward rehabilitation. The new statute provided "...A statewide system of aid to the blind is hereby established to operated in a uniform manner with due regard to the economic opportunities of blind persons and recognizing that the needs of employed blind persons require retention of an amount of their income to meet the special expenses arising from blindness." This, then, was the second "Missouri Compromise".

Missouri and Pennsylvania have valiantly availed themselves of the privilege to which Justice Brandeis referred when he said, "It is one



of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel and economic experiments without risk to the rest of the country." The blind population of the Nation consider the Missouri-Pennsylvania experiments successful. They have been conducted solely at State expense to prove the soundness of the idea of expanding public assistance beyond the role which it played in Elizabethan Poor Laws, with their goals of rehabilitation. Yet since 1939 there has continued to be considerable effort to force Missouri and Pennsylvania to abandon their special programs for the blind, despite their success. It finally happened in Missouri. The 1967 session of the legislature, upon the urging of the State Department of Public Health and Welfare, struck from the Blind Pension program its very heart and reason for being, i. e., the provision for \$3,000 annual exempt income from any source whatsoever. This will be effective October 13, 1967.

The Missouri Blind Pension program has been in effect since 1921, and was available to blind persons who were in need but who did not meet the more restrictive means test of the Federal-State Aid to the Blind program. As of March 1967 there was an average grant of \$80 a month paid to 4,000 blind recipients in Missouri, including 640 on the Blind Pension program. The 640 persons were entitled to have income from any source (not just from earnings) of \$3,000 a year or \$250 a month and could possess real and/or personal property of \$10,000 in value. This is in contrast to the \$85 a month exempt earnings plus one-half in excess of \$85 under the regular Aid to the Blind program and a limitation on personal property of \$1500.

To point up the difference between the amount of exempt income under the Federal-State program of Aid to the Blind and the Blind Pension program of Missouri, the following example illustrates the impact on a blind recipient: If a recipient's grant of aid is \$80, and he earns \$125 in a month, he would retain \$105 in earnings but would have his grant reduced by \$20 to \$60. If he earned \$165, he would retain \$125 of this but would have \$40 taken from his grant and so on. When he earned twice the amount of his grant over the first \$85, he would reach a zero grant. If we take the average grant of \$80 in Missouri, the recipient could earn \$85 plus twice \$80, or \$160, making a total of \$245, but by that time he would have worked himself to a zero grant of aid. Under the Blind Pension program he could earn \$245 and have his full grant of \$80.

The alleged reason for removing the \$3,000 a year exempt income in the Blind Pension program stems from Section 4230 of the Federal Handbook of Public Assistance Administration, Supplement D, Medical Assistance Programs, Criteria for the Administration of the Plan. Item 2 reads:



"A flexible measurement of income exists which prohibits the state from establishing an upper limit on income to make any individual ineligible."

This merely means what it says, i.e., that a state can't establish a maximum level of income and say that those having this maximum are ineligible as medically needy persons. No state is prohibited from providing for the use of some of this income in payment for medical costs, or what is commonly known as "a share of cost."

However, this whole business refers only to those "medically needy" persons who are linked by age, disability, or deprivation to one of the four federally aided categories--and for whom the state wishes to secure federal financial participation in the cost of medical care. It has nothing to do with a separate program of Aid to the Blind which is not participated in financially by the federal government, such as the Missouri Blind Pension program. If the state wished to provide medical care for those 640 recipients, a small portion of whom would need it, the state could do so just as California does for its non-federal Aid to Potentially Self-Supporting Blind program. In other words, by cutting the heart out of the Missouri Blind Pension program through the removal of the \$3,000 exempt income provision, the legislature will succeed only in one small thing--in securing an infinitesimally small amount of federal financial participation for those very few of the 640 former Blind Pension recipients who may need medical care. What a terrific price it has paid for these few federal dollars.

Another and still pending question relates to the Blind Pension fund, established by the Constitution of the State of Missouri. May this fund, constitutionally established and set aside for specific purposes, be used for medical care or for anything else other than the Blind Pension? It may be urged that the State Constitution merely makes provision for a Blind Pension Fund to pay such pensions as may be provided by law, but isn't this a mandate on the legislature to establish such a pension law? One can only wait and see.

With the repeal of the Blind Pension program, has this second "Missouri Compromise" come to an end-- or will it be re-vitalized as part of the law of the land when a national annuity to all blind persons comes to pass? If so, then certainly the blind men and women of Missouri and their comrades-in-arms across the nation have given much toward realization of that brighter day through their pioneering efforts under the Blind Pension program for the past 46 years.

## DR. GRANT RECEIVES INTERNATIONAL AWARD

by James B. Garfield

At Los Angeles High School on June 3, 1967, there was a banquet attended by 837 local and national dignitaries, prominent in civic and educational affairs.

It was the Annual Appreciation Awards banquet for retired teachers, presenting a golden apple to the teacher.

An award was given to the chosen local teacher and to the outstanding statewide teacher. The national award was made to Mrs. Amy P. Romney, mother of Michigan's governor.

The international award was presented to Dr. Isabelle L. D. Grant, member of the advisory board of the National Federation of the Blind.

Since her retirement, Dr. Grant has devoted her life to the education of blind people, focusing on the blind children of emergent nations. At the request of the Pakistani government, for instance, she spent a full year establishing seminars, educating teachers to teach blind children and duplicating these efforts in other lands, forming lasting friendships.

She scoffs at the word "retirement", expending more time and energy now than she ever did as Vice-Principal of the San Pedro High School. She sends slates, styluses, Braille paper, books and magazines in Braille, by the ton, personally sorting, wrapping and mailing the truckloads of material.

The Los Angeles City Council entertained her at a special honorary meeting and presented her with a handsome scroll in appreciation of her citizenship and of her performance as a teacher.

There was a festive luncheon held at the Statler Hilton Hotel for the award winners where commemorative lapel pins - small golden apples - were presented to the guests of honor.

Dr. Grant is continuing her tireless efforts in behalf of the blind population of our state, our nation and the world.

## TRIENNIAL CONVENTION OF BRITISH BLIND

Animated and unified by a struggle over wages in the sheltered shops, the Triennial Conference of the National League of the Blind of Great Britain and Ireland met at Blackpool, England, May 20 to May 22, 1967. Nearly one hundred delegates from sixty-one national branches representing a membership of 4,400 blind Britons gathered at Blackpool's Winter Gardens Opera House to take action on a variety of issues affecting the welfare, employment, and economic security of sightless persons in England, Scotland, Ireland and Wales.

Principal focus of the three-day conference was upon the deadlocked issue of sheltered workshop wages, and specifically the recent action of employers in rejecting parity between the wages of blind shop workers and those of general municipal workers. (See issues of THE BRAILLE MONITOR for June and July, 1967) In a unanimously approved emergency resolution, presented by the West London branch, the League delegates declared: "This conference most strongly objects to the action of the Employers' Side of the National Joint Council in making a unilateral decision and consequently informing local authorities and workshop managements that the blind workers' wages in sheltered workshops are no longer linked to the municipal manual workers' wage structure ... [ We ] fully support the action of the President in refusing to meet the employers' side of the National Joint Council until the link is restored and retroactive payment is made."

In the debate over this and similar resolutions urging maintenance of the municipal wage level for workshops, a delegate from Middlesbrough "complimented comrades in London and elsewhere for conducting a first-class demonstration at the House of Commons," while other speakers urged continued militancy in pressing the League's wage demands.

In another major resolution, the organization of British blind voiced "its keen disappointment and resentment of the failure of the Government" to increase the supplementary allowance for blind persons under the nation's social security act, as well as its failure to increase the special income-tax allowance provided in 1962. The conference pledged the League "to do everything possible to keep these matters before the public and expresses the opinion that the editorial policy of the League's journals should continue to be one of militancy irrespective of the political complexion of the Government in power."

The note of militant independence on the part of the National League was again struck in discussion which led to overwhelming rejection of a proposed resolution suggesting that "the public image of the National

League of the Blind would be enhanced by co-operation with each and every Ministry, Institution, Association and Federation concerned with the general welfare of the blind . . ." Against this it was argued that "there were some people that the League could not co-operate with," that the British National Federation of the Blind was "not a comparable organization to the League, that Federation was a tool or agency of the RNIB," and that Federation members, "if they wanted to play an effective part in blind welfare," should join the League.

Following the leadership of the General Secretary, the delegates also voted down a proposal to "initiate a campaign for a handicap allowance for every registered blind person, to be given in addition to wages, salaries and social security benefits."

Two resolutions were adopted dealing with nonblind disabled workers in the sheltered shops -- one calling for their organization into trade unions comparable to the League of the Blind, and the other affirming their presence alongside blind shop workers and urging that their wages be raised to the level of the sightless employees.

Declaring that vehicles parked on "pavements and verges" had become "a nightmare to blind pedestrians throughout the country" and that protests to the Police had done no good, a resolution was adopted calling upon the League's executive committee "to seek an interview with the Minister of Transport with a view to the Minister's taking drastic steps to remove these hazards. . ."

In view of the favorable publicity in a number of journals for Industrial Advisers to the Blind Limited as a mechanism for the modernization of sheltered shops, the adverse comments of President Dan West will be of interest to many readers. "The President questioned the benefit that had accrued to date from Industrial Advisers to the Blind Limited, and asked, where were the new forms of employment for Workshops? He speculated on the cost of IAB in relation to benefit to Workshops and the blind persons employed therein.

"The President declared that if IAB, the Ministry of Labour and the National Association of Workshops for the Blind, wish the League and its members to accept change then give us something worth-while to change to."

A highlight of the Triennial Conference was an address from Professor Jacobus tenBroek, President of the International Federation of the Blind and of the U. S.'s own NFB.

"Professor tenBroek spoke fluently of the problems of blind persons throughout the world and in the United States," according to the official conference report, which went on to quote several paragraphs from his speech and to summarize its content. "T. Parker, London Organizer, advised that the League should respond to the call of the International Federation and effect affiliation," the report stated, adding that "the General Secretary, [ Tom Smith] welcomed the professor's work through the Federation" and that conference delegates "expressed their warm appreciation of Professor tenBroek's address to them and of his presence among them."

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## WHAT'S HAPPENING TO CIB

### Letter from Blind Workers

[ Editor's Note: Perennial troubles in the sheltered shops of California have greatly intensified in recent months. Some of the new forms of the troubles are discussed in the letter received from the Executive Committee of the Blind Workers Guild. The letter is signed by Howard Porter, president; Barney Ginsberg, vice president; Juanita Bey, secretary; and Ed Milner, shop steward]

We are wondering whether you are aware of the death struggle the blind are going through to maintain at least a toehold in the CIB's shops. "Sure," we are told, "there is plenty of work but..." and here the hedging begins. "There just isn't anything for the totally blind." Yet day after day handicapped and nonhandicapped are hired and fired partly because of low piece rates. This is very discouraging for anyone who has to make a living. More and more of our blind workers sit home for months at a time with nothing to do.

We have a drapery department. We are told that blind people are not capable of doing this work. If the blind cannot do that work, what business has that job in a shop for the blind? To get around the 75%-25% ratio this department was renamed "Industrial Rehabilitation Services Unit 1." In this way they can employ as many nonblind as they please.

We used to have pillow cases. Totally blind would side seam these. We have not had any pillow cases for months. We used to have oil dust cloth. The totally blind folded and packed these. We do not have these anymore. There used to be hangers for the blind to tie in bundles of six. Don't have these any more. We once had some assembly work the



blind could do. This is eliminated. A tar mop project which had to be equipped with special machinery was set up. Then it was discovered that the customer had no credit. And then that fell through.

Tell us: do you have any available jobs that will keep the totally blind working steadily? It has been more than hinted around and about that the blind might have to sit at home and draw aid. The blind would much rather work toward self-support. We would like to know whether work is being held back or re-routed to discourage the blind so that they will quit. Or is this a subtle way to ease the shops away from blind workers and turn them into rehabilitation centers?

There are now twelve totally blind people that we know of who are out of work. They call in daily only to be told "There is nothing for you to do." And no telling when they will be called back. And we repeat: they are hiring nonblind employees daily.

When the blind are sent to the drapery department they are put under so much pressure that they are unhappy and nervous. Many have quit and then are said to be unsuitable, incapable or substandard.

Now we are tired of sitting around with our hands folded seeing our blind people gradually, but oh so surreptitiously, being pushed off in a corner somewhere to vegetate. We have asked and asked and asked but get no satisfactory answers. Tell us: has the name California Industries for the Blind become a mockery and a travesty? Has the title CIB become a mask for leeches who gloat in the sympathy gained from the public, growing fat on the money bled from the State at the expense of the blind? Is the revolving fund a top-drawer secret accessible to a chosen few?

We are wondering, we want to know; we want some action taken to straighten out the conditions and situations in these shops. If CIB is to give employment to blind people, let us find out why some of the blind are being denied employment. If the work in these shops cannot be done by the blind, then let's get rid of most of it and get something in these shops that the blind can do. The idea of CIB supervision telling the blind that there is nothing for them to do. Or sending intimidating letters stating that if the blind cannot do the amount of work equal to that done by private industry, more suitable work on the "outside" would be found for them. If blind workers cannot perform in these shops, how can they make it on the outside?

For two years the Department of Rehabilitation has persisted that they have plans for CIB development and expansion. But these "plans" do not seem to include present or prospective employees with less than 20/200 vision. The Washington Training Center for the Blind in Seattle is the only shop in the U. S. with real mechanization and negotiated sub-



contracts with outside industry. Surely the Berkeley and Los Angeles areas have such potentials far greater than those in the Northwest.

It could well be that civil service protection begets indifference and complacency. In this modern enlightened society the time-worn concept of the blind as being incompetent and inferior is gradually giving ground.

The workers in these three CIB centers are becoming restive, worried and vitally concerned about deteriorating conditions. Time is fast running out and the three Guild affiliates of the California Council of the Blind and the Council itself are taking definite measures beyond mere state-wide meetings, letters, promises, delays, inaction.

Just a little probing, some prodding and productive action is all that should be needed to include the blind in this competitive game of living.

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#### FRENCH BLIND HOLD GOLDEN ANNIVERSARY

The "Amitie Des Aveugles De France," an affiliate of the International Federation of the Blind, staged a gala 50th anniversary convocation in Paris June 17 through 19, 1967, with prominent national officials and blind representatives from throughout Europe and the United States in attendance.

Among the distinguished international guests were Professor Jacobus tenBroek, president of the International Federation of the Blind and of the U. S. National Federation of the Blind; Dr. Horst Geissler, vice-president of Deutsche Blindenverband, the German organization of the blind; Henri Frieman, secretary of Nederlandse Blindenbond; John Jarvis, secretary-general, W.C.W.B.; Roy Brown, vice-president, British National Federation of the Blind; Achille Dyckmans, Membre Representant La Belgique a l'Organisation Mondiale pour la Protection Sociale Des Aveugles and President de la Ligue Braille; and, M. Mirmont, president, Swiss Federation of the Blind. The delegates were addressed by Francois Charles, Director-General of Social Action under the French Ministry of Social Affairs.

Highlights of the festive three-day event were several addresses by Andre Nicolle, secretary-general of the French association and a member of the executive committees of both the International Federation and the World Council for the Welfare of the Blind. He described the advances achieved by the blind of France in social legislation, proposed new draft legislation and detailed the history of the Amitie.

The dominant theme of the golden anniversary convocation, touched on by numerous speakers, was the illustrious history of the French blind organization since its founding at Paris in 1917 by Octave Berger, a history teacher at the National Institute for Blind Youth. Because during the 1920's the organization failed to keep stride with the needs and demands of the nation's blind, it was then taken over by the blind themselves who then succeeded in expanding official agencies devoted to specialized needs as well as in gaining the passage of pioneer welfare legislation for the blind.

Since that time the Amitie des Aveugles has remained continuously active in the enactment of legislation and steadfastly devoted to the principle of self-organization and self-expression on the part of the sightless of France--as illustrated by numerous convention speeches and presentations concerned with present-day issues and accomplishments.

"Amitie Des Aveugles De France founded in 1917, has had for a half century the objective of improving legislation applicable to the victims of blindness and to substitute for paternalism the bonds of solidarity which must unite all the blind."

These eloquent words marked the opening of a report by Francois Gerber, President of Amitie Des Aveugles De France, on the necessity of liaison with and aid to all French-speaking people and an account of the various committees and activities of the Committee of European Blind.

Dr. tenBroek, in a stirring address, congratulated the French movement of the organized blind on its brilliant career under the leadership of President Gerber and Secretary-General Nicolle, in the vanguard of European social thought and social action. "In the course of its brief history the International Federation of the Blind has already known one of those great moments of inspiration--when, just one year ago, the organized blind of the Amitie Des Aveugles De France voted unanimously to join forces with the blind of other nations within the Federation," Dr. tenBroek said. "That decision, and the coordination and cooperation it has made possible, was instrumental in opening a new era of joint action and common cause among the blind people of many nations."

Recalling the Declaration of the Rights of Man which symbolized the French Revolution of 1789, Dr. tenBroek declared that the blind people of the world have issued their own declaration of rights--centering upon the slogan "Unity, Equality, Fraternity!" Professor tenBroek was awarded a medal for distinguished service to the blind by the French organization.

## HEW REORGANIZES

(An HEW Release)

A major realignment of Federal welfare, rehabilitation and social service programs was announced August 15, by John W. Gardner, Secretary of the Department of Health, Education and Welfare.

A new Agency, the Social and Rehabilitation Service (SRS) has been established to carry out the functions of the Welfare Administration, the Vocational Rehabilitation Administration, the Administration on Aging, and the Mental Retardation Division of the Bureau of Health Services, Public Health Service. The Social and Rehabilitation Service is established effective August 15. Administrator of the new Agency is Mary E. Switzer, former Commissioner of Vocational Rehabilitation.

"The new Agency," said Secretary Gardner, "will join under a single leadership both our income support programs for needy Americans and the social service and rehabilitation programs that many families and individuals need."

The Secretary said that the new Agency would make possible a unified approach to the problems of needy Americans, with special emphasis on the family. At the same time, he noted, "the aged, the handicapped and children should continue to be given special emphasis. Assigning each of these groups special status while preserving their administrative integrity within the new Service insures that each will receive the priority attention it needs and deserves."

"We must do a much better job of giving people on public assistance the help, the skills and the incentive they need to become independent," said the Secretary. "And for the many Americans who will continue to need assistance because of their youth, their age, their disability or other reasons, we must do a better job of enlarging the area in which they can improve the quality of their lives by their own efforts."

Secretary Gardner said that a Social and Rehabilitation Service Commissioner in each of the nine HEW regions will supervise all programs and activities of the Service in his region and give approval to all State plans. "We expect this will make it easier for the states, communities and voluntary, private groups to deal with the Federal Government on all these matters," the Secretary said.

The combined 1967 appropriations of the HEW components joined in the SRS totalled \$4.8 billion in federal funds. The new Agency would have about 1,900 employees in five major divisions as follows:

Rehabilitation Services Administration: responsible for programs aiding the handicapped, disabled Social Security applicants, crippled children, the mentally-retarded, and for services for the blind and the permanently and totally disabled.

Children's Bureau: responsible for studies and investigations of the status of children, and for federal-state child welfare, maternal and child health and juvenile delinquency programs, for health services to school children and for family and child welfare services.

Administration on Aging: responsible for administration of the Older Americans Act and collecting and disseminating information on the status of Older Americans, and for services for the aged, (including insurance and assistance beneficiaries) standards for services to OAA beneficiaries, and the Foster Grandparent program.

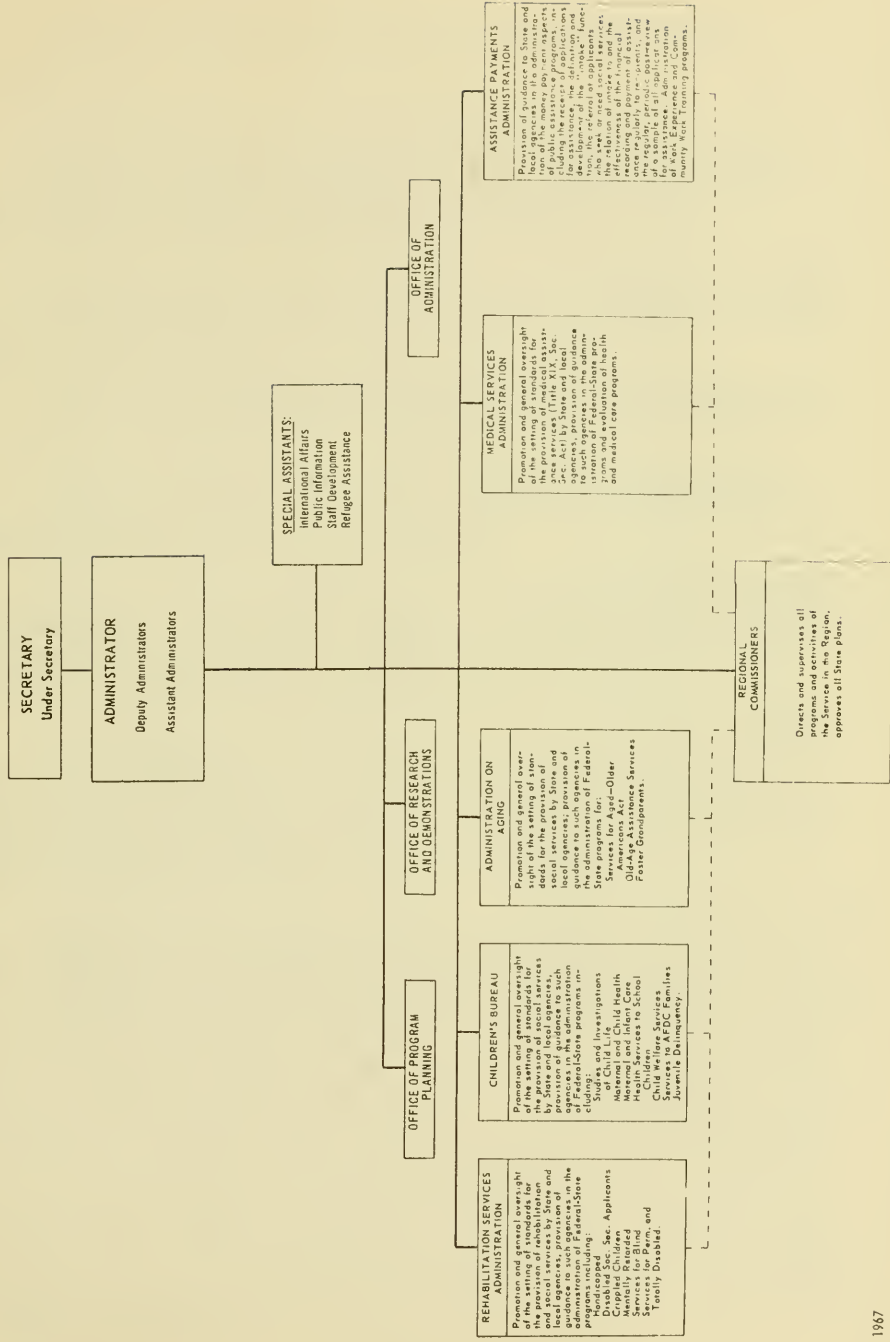
Medical Services Administration: responsible for medical assistance services by State and local agencies, including Title XIX programs.

Assistance Payments Administration: responsible for the money-payment aspects of public assistance programs (Aid to Families with Dependent Children, Old Age (blind and disability) Assistance and for the administration of Work Experience and Community Work Training programs.

Attached are a fact sheet on the components joined in the SRS, and a chart of the new organization.

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Social and Rehabilitation Service







## JOHN W. GARDNER TALKS ABOUT REORGANIZATION

There are three key features of the reorganization. First, in the new Social and Rehabilitation Service we have brought together the various services of HEW that deal with special groups: the aged, the handicapped, and families, particularly children.

Second, we have separated the administration of programs having to do with cash payments--that is, public assistance payments--from the programs offering rehabilitation and social services.

Third, we have established a single regional commissioner of the new Service in each of the HEW's nine regions throughout the country.

When you boil it all down, HEW, working with and through the states, counties, and local communities, provides two different kinds of help to these special groups or populations.

It helps toward meeting their basic needs, where necessary, by financing medical costs through Medicare and Medicaid, and through cash payments for old age assistance and aid to the blind, the totally and permanently disabled, and families with dependent children.

And it also provides a wide range of services aimed at rehabilitation in the broadest sense of that word--giving people opportunities to become self-supporting and self-sufficient, where possible; releasing and fostering their energies and talents; enhancing their capacity to cope with the world and to be responsible and participating citizens; enabling them to live their lives with some measure of dignity.

Rehabilitation can take many forms. It may mean, in one instance, giving a blind boy the training he needs so he can become a skilled mechanic. In another case, it may mean helping an elderly person find meaning and satisfaction through participation in a foster grandparents' project, at the same time providing a deprived youngster with the interest, attention, and affection of a responsible adult. It can mean helping a bewildered and frightened AFDC mother to develop a realistic budget, receive information about family planning, learn to cope better with the tasks of housekeeping and child-rearing, and perhaps get the training she needs so she can get a part-time or full-time job providing day care for her children while she gets it. Already, we have had a good deal of success in preparing the unemployed parents of AFDC children and other needy people for jobs--about 36,000 have become partially or fully self-supporting under the relatively limited work-experience program we have been running for the past two and a half years--and we expect to expand that program in the future.

The aged, the handicapped, and children should continue to be given special emphasis, and assigning each of these groups special status within the new Service while preserving their administrative integrity insures that each will receive the priority attention it needs and deserves.

But we find that usually the trouble an individual or family is in is a combination of several related problems requiring a combination of approaches. And those problems, different though they may be, are all concentrated in that one person or one family. We must not take a fragmented approach to them. We want to encourage a unified approach to the problems of all these groups, with special emphasis on the family. We believe that the new Service can make this possible and that each of its parts can draw on the strengths of the others and that they can be mutually reinforcing.

The second key feature of the reorganization is that we have separated the two basic functions: the fiscal, on the one hand, and the services, on the other. The new Assistance Payments Administration will be responsible for the provision of policy guidance to state agencies in the administration of the money payment aspects of the public assistance programs. Several states and cities have already taken or are contemplating steps to separate the administration of payments and the provision of services, in the interests of efficiency and of saving scarce time and talent for the provision of rehabilitative services. But it should be emphasized that the form of organization we are adopting here is not intended to predetermine forms of organization at the State and local level.

The third key feature of the reorganization is that an SRS commissioner in each of the regions will supervise all the programs and activities of the Service in his region and will give approval to all state plans. We expect that this will make it easier for the states and communities to deal with the Federal Government on all these matters.

I have named Mary Switzer, Commissioner of the Vocational Rehabilitation Administration, as Administrator of the new Service. For seventeen years she has directed the nation's largest program of rehabilitation of disabled people. I have worked closely with her ever since I came to Washington, and have unqualified respect for her ability. She is a dynamo. She is a woman of spirit and imagination. Any government operation under her direction will enjoy a rising curve of vitality.



BAIRU TAF LA OF ETHIOPIA  
History Student at Howard University



## THE BLIND IN ETHIOPIA

By Bairu Tafla

[ Editor's Note: Bairu Tafla is a blind Ethiopian who is in the United States for educational purposes. He is a student of history at Howard University in Washington, D. C. He made a great hit with all of those whom he met at the Los Angeles Convention of the NFB. His address which he presented on the condition of the blind in Ethiopia is herewith reprinted. ]

Mr. Chairman, I am most grateful for your having afforded me this opportunity and privilege to participate on the panel program of this remarkable convention. I should also like to express my deep gratitude to the African American Institute for making it possible for me to attend this memorable convention. Allow me to include here my deep appreciation for the warmest friendship, hospitality, and assistance extended to me by individuals and institutions during my ten month stay in this country.

As you all know, I come from Ethiopia, but I hasten to say that I am, by no means, an authorized representative of my government or an institution. Yet, being myself blind and a member of the association of the blind at home, I feel enthusiastic, as well as confident, to talk briefly about the blind in Ethiopia.

To refresh your knowledge in geography, history, and demography, I should mention that Ethiopia, located at the Horn of Africa, close to the Middle East and East Africa, is a little less than 500,000 square miles in area and is bounded by French Somaliland and the Republic of Somalia in the East, by Kenya in the South, by Sudan in the West and the Northwest, and by the Red Sea in the Northeast. Its high altitude, graceful mountains, deep gorges, and escarpments have endowed it with fine climate and scenery, and let me assure you that those of you who may visit in the future will undoubtedly enjoy it, provided that you walk slowly at first, in adjustment with the altitude.

With the exception of the brief occupation by the Fascist regime in 1936 through 1941, Ethiopia has been independent from time immemorial. At present its population is estimated to be approximately 22 million, but the majority of its inhabitants' source of subsistence is agriculture and cattle herding. No accurate census of the general population has ever been taken and still less is known about the size of the blind. "Experts" have given various estimates of the blind ranging from 15,000 to 100,000. In any case, there is a substantial number of blind people in Ethiopia, and most of them earn their livelihood by the same means as do their fellow countrymen in their respective communities. Exceptions, of course,



are those who have neither property nor sufficient education to earn a living, thus they resort to beggary. This group dwells predominantly in urban areas.

Since landownership in the agricultural regions, is a basic right, the majority of the blind, native to those regions, own plots of land. With the help of their relatives, they get annual returns from these plots. Some of them also lease their lands under an agreement similar to that of share-cropping in that they may receive a certain amount of the annual income. In addition, many earn supplementary income by such skills as spinning and weaving cloths, weaving wicker work, playing some of the traditional musical instruments, and practicing some of the traditional medicine.

In the predominantly cattle-herding regions, kinship has a special role to play in favor of the blind. Almost every work is collectively done by the family or clan as a whole. Each individual or family may own a number of cattle, but they are herded together, and the blind who own the cattle (and they must as their only means of livelihood) are taken care of in the community stream without particular distinction.

In both societies mentioned above, blindness is viewed as a supernatural imposition on the individual for the purpose of controlling the victim himself or for chastising his family and/or the community, or for the teaching of His way to the people. In most cases the individual is not responsible for the affliction, and therefore he is to be sympathized with and pitied for what has befallen him. He is to be helped, obeyed, respected, and trusted, and far less to be mistreated. His achievements are excessively admired, and his shortcomings are explained in terms of his disability. But he is supposed to live up to a certain standard in his behavior and moral life as is expected by the people who entertain these ideals.

Some of these expectations are, of course, useful to the blind. Education, for instance, has for centuries been recognized by most people as the light of the blind. However, it must not be forgotten that the idea that the blind are exceptionally gifted is often concomitant to the general belief in the education of the blind. The result is that the failure of a blind person is attributed to his reluctance, laziness, and bad habits.

The church in central and northern regions where it has been dominant for the last sixteen centuries and the mosque, in strong Moslem communities, have been the two, chief institutions of traditional, formal education in the country.

After the fundamental skills of reading and writing of Ethiopic or Arabic, in which the blind have a slight problem, the general education

consists of memorization of the Holy Scripture, theological interpretation of the text, composition of sophisticated poetry, and singing of hymns (which incidentally takes any period of time between five and forty years). The blind earn their living by teaching in the religious schools serving the church indirectly, or by becoming private tutors to the children of the well-to-do.

It should, however, be said that not all posts in the church are opened to the blind. Some of the puritanic, mosaic rules of physical perfection for priesthood and bishopric have practically excluded the blind from sharing those offices. The foreign missionaries, nevertheless, found the necessary potentialities and zeal in the blind for religious services. Some missions train them to be teachers, itinerant preachers, and ministers, and indeed many of them prove capable. Among them, for example, was a blind minister in a western province of Ethiopia, who, when the United Presbyterian Mission of North America was expelled by the Fascists, some 30 years ago, ran and maintained the Church for more than five years. The Swedish-Lutheran Mission and the Seven Day Adventist Mission also have qualified blind teachers, ministers, and translators. Many of these people are equipped with braille facilities.

The history of braille in Ethiopia is as old as the Presbyterian Mission of North America. It was the first to open a modern school for the blind in western Ethiopia, about 40 years ago. The mission enrolled a small group of blind children and adults in a residential school and taught them Amharic and English braille, the English language, the Holy Scripture, and simple handicrafts. Unfortunately, the mission was unable to send any of them for reasons unknown to me, for higher studies or to even place all of them in jobs. The activities of the school waned gradually, and its historical existence is now almost forgotten.

About 1948, another religious organization, the Swedish-Lutheran Mission, took an active interest in the education of the blind and started a small school where blind children and adults could receive both academic and vocational training. Luckily, the school was located in Addis Ababa, the political and cultural center of the country. It was an integral part of a prominent school which included eight out of the twelve grades. The enrollment was never high, but the training was intense, and I am proud to say that I received a thorough educational background from this institution.

The Emperor was interested in the school for the blind and sent several blind children to the school at his own expense. In 1952 he founded a blind school primarily for male children. The school was financed by Haile Selassie I Foundation and was run for 10 years by the American Menonite Mission. In 1961 the school was transferred to larger grounds

about 15 miles outside the capital. It is now fully financed and administered by the Haile Selassie I Foundation, and at present there are 120 enrollees.

The Haile Selassie I Foundation is a privately chartered organization established under the auspices of the Emperor. The funds are derived from the bequeathed Estate of the Emperor in conjunction with contributions from private citizens. From the funds, hospital, clinics, orphanages, and leproseries are organized and maintained, and therefore the school for the blind represents only a small proportion of the foundation.

The late Empress had also started two schools: one for young blind girls and the other for adult blind men. After her death in 1963, the girls' school was integrated with the Emperor's boys school while the school for adult blind men did not survive her. Finally, a new school was started last year by the community of Asmara, a provincial capital in northern Ethiopia, in collaboration with the Haile Selassie I Foundation, and its activities are yet to be seen. Thus out of the six schools that sprang up at different intervals, only three survived and not more than 300 blind people were at one time or another enrolled in all six institutions. In other words, not over 300 people tried braille since its introduction in Ethiopia 40 years ago. There is very limited opportunity for those who wish to learn braille, and there is not enough braille equipment for those who would like to use the facilities.

The West German federal government presented two years ago the foundation with a printing machine which is now, though not fully used, installed on the premises of the school for the blind. I sincerely hope that this printing press will be able to produce inexpensive braille books and publications for school and general use.

There are quite a few blind students in the junior and senior high schools and in the university who are in need of facilities. Some interested groups have already begun to express their dedication, by donating equipment such as tape recorders, tapes, and talking-book machines in an effort to expand and modernize the facilities for the university's blind students.

A most serious problem which should be emphasized, however, is the employment of the blind. So far, I have not mentioned any school for the blind established by the government. This of course, was not by mistake. All the government schools in Ethiopia are centralized under one institution - the Ministry of Education. Unfortunately, this important department does not recognize the education of the blind. Some years back it was not aware of blind students' capacities, and a few blind students were enrolled in high schools and professional institutions without much trouble. It did not realize until 1963, when four blind students successfully graduated from a teacher training institute that it had to

employ blind people in the teaching profession. The four students were placed, but institutions were immediately instructed to discontinue the enrollment of blind students.

Since the ministry has no obligation to employ high school graduates, the admission of blind students to those schools is for the moment left at the discretion of the administrators or the individual schools. The same rule of refusal, however, applies to the university graduates. I was refused the opportunity to do my practice teaching in any government schools during my senior year in college. A friend of mine who graduated last year with distinction had to seek employment in a mission school. I am not certain if other government agencies will obstinately close their doors to the blind. Two blind students have completed their studies this year at the school of law in Addis Ababa and will do their internship before they receive their degrees. I am glad to tell you that I have heard from some sources that the university is prepared to protest if the Ministry of Justice refuses to accept them.

The blind in general are not, nevertheless, discouraged by these obstacles. Since the employer's opposition has no legal grounds or factual evidence against the qualifications of the blind for certain jobs, it is hoped that negotiations by organized groups will eventually solve the problem. This was one of the aspirations of the blind when eight years ago they organized an association. The organization of the blind had all the necessary opportunities and potentialities to help the blind. But from its very inception, it was faced with various internal problems, and it never became strong enough to achieve its aims. It lacked strong leadership, active members, and devoted workers. The afore-mentioned shortcomings were due largely to the fact that the bulk of its members consisted of students diligently engaged in academic pursuits. A strong international organization of the blind can definitely have a most profound impact on the growth of the institutions of the blind in the developing countries. The resolutions, petitions, and recommendations of an international organization can facilitate and expedite the progress of the blind in all parts of the world.

The progress of the National Federation in this country also means progress elsewhere. The developing countries would like to learn from the errors, experiments, and achievements of the advanced countries; they look to such organizations to learn about the handling and solutions of problems. Furthermore the organization, activities, and success of the Federation encourage the blind in Ethiopia, and in many countries for that matter, to organize and work hard to help themselves.

You might be amazed to know, if I were able to describe it vividly, how desirous and enthusiastic the blind in Ethiopia are to learn about

the activities of the blind abroad. The success of the blind anywhere in the world is an inspiring factor for those who have the desire, the need, and the capacity for development. In conclusion, I should like to affirm that the Federation can play an important role in encouraging and advising blind people elsewhere to organize themselves and to work toward the improvement of their lives. I wish that this Federation would, in the future, be able to send an expert to Africa to study the problems, progress, and potentialities of the blind and to give the necessary advice and recommendations to the blind and the institutions concerned.

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### MONITOR MINIATURES

CORRECTIONS: Errors in earlier MONITOR state convention announcements are corrected as follows:

Federated Blind of North Dakota - October 14 and 15

Associated Blind of Massachusetts -  
New Holiday Inn, Fall River - Sept. 30, Oct. 1

Maryland Free State Federation -  
Downtown Holiday Inn - Baltimore - October 7

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Tapes of the NFB Los Angeles Convention are now available -- \$18 a set containing seven reels. Shipping cases must be returned. Order from Franklin VanVliet, 207 Fisherville Road, Penacook, New Hampshire, 03301.

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Maureen Scanlon, an 18-year-old girl who has been blind since birth, will enter the Dominican Convent at Blauvelt, N. Y., next month as a postulant in preparation for becoming a nun. Miss Scanlon is the daughter of Lieut. Richard P. Scanlon of the city's Fire Department and Mrs. Scanlon. She lives with her parents in Mineola, L.I.

Miss Scanlon is a graduate of the Lavelle School for the Blind in the Bronx and of the Sacred Heart Academy in Hempstead, L.I.

From The New York Times  
August 3, 1967

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The June-July issue of Welfare in Review gives the following data on aid to the blind payments as of February 1967: Number of recipients--83,300; average payment--\$86.60; states with an average payment above \$100--New York, \$100.50, New Hampshire \$104.70, Oklahoma \$105.45, Pennsylvania \$108.50, Massachusetts \$112.75, California \$131.85; states with average payments of less than \$50--Mississippi \$46, West Virginia \$46.45.

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Sylvia Burton Nichols, member and former recording secretary of the Empire State Association of the Blind, died of cancer on July 29, 1967.

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California Council of the Blind fall convention will be October 13, 14, and 15 at the Hollywood Roosevelt Hotel, Hollywood, California.

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A thinking bus station attendant in Olympia contradicted a blind man's request for a cab to take him to the freeway so he could hitchhike to Aberdeen about midnight a while back. Instead he called the sheriff's office and asked their assistance since the man was hurrying from Seattle to his sick wife and found that there was no bus until sometime the next day.

A Thurston County deputy drove him to McCleary near the county line where a Grays Harbor deputy met him and completed the emergency run. The blind man was not identified.

From Washington White Cane  
August 1967

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A resolution has been introduced into the New York Constitutional Convention that "no person shall be denied employment nor the right to join a labor organization on grounds of race, color or creed, or because of sex, age, or handicap where otherwise capable and competent."

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Irvin P. Schloss, Washington Representative of the American Foundation for the Blind, was unanimously elected National President of the Blinded Veterans Association on August 5, 1967, at the Association's Twenty-Second Annual Convention, Hartford, Connecticut.

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